

ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE  
PUBLIC HEARING ON HATE CRIMES  
October 6, 1989  
OAKLAND CITY COUNCIL CHAMBERS  
ONE CITY HALL PLAZA

**CERTIFIED  
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Reported by: Linda Kentzell



**ABA REPORTERS**

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1 OCTOBER 6, 1989

9:00 a.m.

## 2 PROCEEDINGS

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4 MARTY MERCADO: We are going to open up  
5 this morning with a short meeting. We are going to  
6 update the Commissioners on what has happened as far  
7 as some of the activities of the office, with respect  
8 to the Racial Commission activities.

9 MONSIGNOR WILLIAM BARRY: And those who  
10 are present with us today are, right over here we  
11 have Vincent Harvier, and here we have David Kassoy,  
12 and next to him is Judge Alice Lytle, and over here  
13 we have Irma Castro. And next to her is Hazel  
14 Hawkins-Russell, and our staff chief person is Marty  
15 Mercado. And I am the Chairperson in charge.

16 What we will be looking for first is an  
17 update on what has happened since our last meeting,  
18 since our last report, and Marty do you want to  
19 begin?

20 MS. MERCADO: I will talk as loud as I can  
21 and hopefully you can hear. We have had one of those  
22 fun mornings when everything that could go wrong is  
23 going wrong, including trying to get the doors to the  
24 chambers open. In any event, I'm Marty Mercado, and  
25 I'm coordinator for the activities of the Attorney

1 General's Commission on Racial, Ethnic, Religious,  
2 and Minority Violence.

3 We wanted to start with a little update on  
4 activities that we've been engaged in since we last  
5 met. The Commission, as you know, held a public  
6 hearing, the first of two public hearings, in Los  
7 Angeles on June 30th. The transcripts of that  
8 hearing are about 185 pages long. We have contracted  
9 with Human Rights Associates, who will be the  
10 consultants to prepare the draft report for the  
11 Commissioners to present to the Attorney General.

12 We will assist in drafting recommendations  
13 that you feel are appropriate from what comes out of  
14 the two public hearings. The time line is such that  
15 we will leave the record for the hearing open until  
16 October 31st. We have sent letters out to those  
17 individuals and organizations who were unable to  
18 appear before you to testify, to submit written  
19 testimony. Other groups that we were unable to  
20 contact to be here, we've also invited them to submit  
21 written testimony from areas such as Salinas and  
22 Fresno, and other areas where we can't go.

23 You will recall at the June 30th hearing  
24 that there were at least two requests for the  
25 Commission to hold hearings, one in San Diego and one

1       in Fresno, because of concerns of what is happening  
2       in those areas. Unfortunately, again because of the  
3       time frame, this must be the last hearing and  
4       hopefully we will be able to get written testimony by  
5       organizations from those areas that we can include in  
6       the record. The record will remain open until  
7       October 31st.

8                   Most importantly, as you know, we have  
9       been monitoring legislation that came out of  
10      recommendations made both by this Commission, this  
11      Racial Commission, as well as the Attorney General's  
12      Committee, Asian-Pacific Islanders Advisory  
13      Committee, the most notable of which is SB-202, which  
14      calls for mandated reporting by local law enforcement  
15      agencies on hate crimes.

16                  I'm delighted to report that the bill was  
17      signed by the Governor on September 30th, and that  
18      bill will now become law. However, there is no money  
19      in the bill. There is also a clause in the bill that  
20      says if there is no money that locals are not  
21      required to do this.

22                  As you know, we will be hearing today from  
23      a couple of law enforcement agencies who are already  
24      collecting hate crimes data. We know of at least  
25      eight agencies that are doing that, some in

1 anticipation of the legislation passing, mostly  
2 because of incidents that have occurred in their  
3 communities and the necessity for them to be aware of  
4 what is happening, and determine that it was to their  
5 benefit to start collecting that sort of information.

6                 The other thing that is -- should be of  
7 interest to you is that with the, together with the  
8 civil rights enforcement section and the Attorney  
9 General's office, the District Attorney's  
10 Association, we have Contra Costa County District  
11 Attorney's Office, we have prepared -- been working  
12 on training materials for prosecutors on use of the  
13 Bane Civil Rights Act. As you recall, that was a  
14 result of recommendations by this Commission to the  
15 Attorney General for legislation that would add  
16 penalties to crimes whose motivation is based on  
17 bigotry and so forth.

18                 That bill became effective January 1,  
19 1988, but prosecutors have not had experience in  
20 dealing with that. We have put together some  
21 guidelines and resource memos for them and packets.  
22 We put on one training workshop for them at the  
23 California District Attorney's Association Conference  
24 last February. We are planning others.

25                 Jack Waddell, who is from the Contra Costa

1 District Attorney's Office, has been the liaison with  
2 the DAs and working very closely with us to develop  
3 the materials. He will be testifying before you this  
4 morning. I'm sure he will update you on those  
5 activities.

6 We have asked district attorneys  
7 throughout the state to identify a liaison person in  
8 their office that we could contact about hate crimes  
9 and perhaps refer also, and so forth. We have  
10 identified about 43 now throughout the state, so we  
11 are very pleased that we are getting that kind of a  
12 response.

13 We hope to put on a training workshop for  
14 them on the use of the act of providing the resources  
15 that we have, the guidelines and so forth. And the  
16 reason we have not done so up until now is just a  
17 lack of time and resources, but that is one of our  
18 high priorities.

19 I guess that really is where we are now.  
20 Most of you we have been in contact with, we've tried  
21 to keep you abreast of legislation. The other two  
22 major pieces of legislation that we were very  
23 interested in, SB-1357 and 1358, passed by Senator  
24 Torres that called for cultural relations training in  
25 school curriculum. As you know, the Governor has

1       vetoed those two bills, so we're back to the drawing  
2       board on that legislation.

3                  That really is kind of where we are and  
4       what we're up to. Again, the time line for this  
5       hearing will be that the record is staying open until  
6       October 31st. The consultants will start to prepare  
7       some draft recommendations for your consideration,  
8       start drafting a report, and we hope to get the  
9       report out by January.

10                 MONSIGNOR BARRY: To go back a little bit  
11       in history, after the initial report I think Human  
12       Relations Center Commission is also legislation --  
13       first it was passed and vetoed again by the Governor.

14                 MS. MERCADO: Yes, that was another major  
15       recommendation. As you know, it was the creation of  
16       Human Relations Centers and Assemblywoman Gwen Moore  
17       (phonetic) carried that legislation, and that would  
18       have implemented your recommendation that these  
19       centers, and I believe the legislation called for  
20       establishment of four centers as a trial on a pilot  
21       program. However, during the course of the  
22       legislative session as the bill progressed, it was  
23       gutted. So amendments were made so it was no longer  
24       relevant to the recommendation that was made by this  
25       Commission. And so the bill, in any event, was

1       vetoed. But the two major pieces that we were very  
2       hopeful in following were the school curriculum  
3       legislation and the data collection bill. And the  
4       data collection bill, as you know, this is the third  
5       year and we finally were successful. So we hope we  
6       will have the funding for that as well.

7                   MONSIGNOR BARRY: As David Kassoy observed  
8       walking up today, that some of the work, like  
9       legislation, just takes time and patience to get it  
10      through. Is there any other input or suggestions?

11                  MS. IRMA CASTRO: I would like to go back  
12      to an item that I raised in an earlier meeting in  
13      June, and that was in regard to violent crimes  
14      perpetrated against Latinos on which there appeared  
15      to be a racial bias.

16                  MS. MERCADO: Before you go on, let me  
17      step in for a moment. Lola Acosta, staff person now  
18      is here with the agendas and press packets. Maybe  
19      you could pass them out, thank you.

20                  HON. ALICE LYITLE: I think the mikes are  
21      working also now.

22                  MS. CASTRO: As we know, we continue to  
23      see newspaper clippings and hear reports of violence  
24      against Latinos, and both in an urban setting and in  
25      a rural setting. Some of it is very definitely

1       perpetrated against migrant workers. And I raised  
2       this issue with the Commission last meeting and since  
3       that time my office has been trying to put together  
4       just some general information.

5           We don't think it's restricted to San  
6       Diego County. It's obvious that it is in other parts  
7       of the state as well, but there has not been any  
8       collective effort to collect that information to do  
9       analysis as to whether that is occurring in  
10      California.

11          Our organization has prepared a packet  
12       that we would like to submit for the record, which  
13       includes a number of, some information having to do  
14       with violent crimes against Latinos that has  
15       occurred, at least with the clippings we have, and  
16       this is a limited exploratory piece, from 1982 to the  
17       present. Currently in my office this week, we are  
18       conducting a series of investigations into the  
19       beatings of migrant workers by youth between the ages  
20       of 14 to 20.

21          They already have identified vehicles with  
22       license plates. They have started to identify the  
23       young people involved and all the complaints are  
24       being filed and will be filed, at the latest by  
25       Monday, with sheriff's departments. This has been an

1 occurrence only in the last two weeks.

2 As you know, there's also been the recent  
3 conviction of two young white males for having killed  
4 two migrant workers just because they wanted to kill  
5 some Mexicans and all of these kinds of things are,  
6 some of this will be documented.

7 In addition there is a climate that exists  
8 that I think we all need to be very aware of.

9 Somehow through the media and through the public  
10 institutions, it is deemed to be all right to have  
11 certain kinds of prejudices against Latinos. It is  
12 not taken seriously when we talk about civil rights  
13 or human rights issues. We tend to be looked as a  
14 population that it is all right to injure.

15 This particularly becomes true in many  
16 parts of our state as we look at studies that are  
17 done, whether it be local residents, organizations,  
18 or associations saying what are we going to do about  
19 migrant camps, or about the people hanging out on the  
20 corners.

21 It is evident, and there are documents in  
22 here that look at one particular survey in one  
23 particular part of the county, or the person who says  
24 -- and again, I have a letter documentation on  
25 this -- about I went to the grocery store and people

1       are frightened about all those Mexicans hanging out  
2       in the store, and I assume that we go there, just  
3       like anyone else would, to buy groceries. And yet  
4       that kind of thing gets perpetrated into our society.  
5       It really sets the tone for believing it is all right  
6       to commit violent crimes, or to continue to have  
7       certain kinds of prejudices against Latinos.

8                  The third piece, which I will also be  
9       giving to you, is only to act as a backup material,  
10      which has been the way in which also these attitudes  
11      develop into law enforcement agencies.

12                 Of particular concern to us, is one case  
13      very recently in which the border patrol taunted  
14      people who were sitting at the border for over an  
15      hour and it was documented by journalists who  
16      happened to be in that group for another reason,  
17      doing a story, and yet were also eye-witnesses to the  
18      crime of taunting that went on on behalf of the  
19      border patrol. And yet an hour later a 14-year-old  
20      was killed. And I think it's that kind of evidence  
21      that we need to look at.

22                 The recommendation of my organization is  
23      that the Commission look at doing a statewide study  
24      and collection of information on violence against  
25      Latinos to determine whether or not this is indeed

1 occurring, and the extent to which it is occurring in  
2 this state.

3 MS. MERCADO: Thank you. Irma raised this  
4 issue as you recall in the June 30 hearing, and we  
5 asked her to provide us with more information. We  
6 have written to the San Diego Human Relations, or  
7 Human Rights Commission, as well as to the San Diego  
8 Sheriff asking for more information to date. To  
9 date, we have not received a response. We will  
10 follow up and try to work with those agencies to  
11 determine what is happening and recommend another  
12 course of action.

13 HON. LYTLE: This may have been addressed  
14 in your report, but in case it hasn't, I attended a  
15 meeting of the National Conference of Christians and  
16 Jews at which one of the guests was the attorney  
17 general from one of the states of Mexico. And he had  
18 referred to a report prepared covering the  
19 incarceration of Latinos in San Diego in response to  
20 the charge that migrants are committing  
21 disproportionate percentages of crimes in that area.

22 This report found, in fact, that this  
23 wasn't true -- it's an excellent, well-done report.  
24 I happen to have a copy of it. I'd be happy to share  
25 it with you.

1 MS. CASTRO: It may not be referred to, I  
2 believe you're talking about the document that's  
3 called The Impact of Undocumented Workers in San  
4 Diego, and I'll be happy to provide a copy of that to  
5 the Commission.

6 HON. LYTLE: I think the Commission should  
7 have it.

8 MS. CASTRO: It's a document that  
9 certainly one talks about how crime continues to be  
10 placed on the shoulders of the supposed undocumented.  
11 And even with a disproportionate amount of arrest  
12 rates, it is still a small number. And this is only  
13 arrest rate information, it is not conviction rate.  
14 It is a small number compared to what people have  
15 portrayed in terms of law enforcement agencies, so I  
16 thank you.

17 MONSIGNOR BARRY: Also relevant, I think,  
18 to what Irma alluded to, you may have read it in the  
19 paper, that in Southern California and Costa Mesa  
20 just recently, the city council actually passed a law  
21 to makes it illegal for Central Americans or South  
22 Americans to gather in parks just looking for day  
23 labor, and they're not allowed to be there.

24 And in Orange County, one of those areas  
25 where they not only need the labor very badly, all

1       businesses are closed down in the restaurant areas  
2       and so forth, because they didn't have South American  
3       and Central American employees. And a lot of the  
4       maintenance of homes and so forth, that they both  
5       needed -- people need each other. The laborers need  
6       the work, and the work need the laborers, yet the  
7       city council actually passed a law that they could  
8       not gather to be picked up to be taken to a labor  
9       point.

10           MS. CASTRO: In San Diego County there's  
11       already been a similar ordinance passed in the City  
12       of Encinitas, as there is one being proposed in the  
13       City of Poway. In addition, in the City of Encinitas  
14       they have also outlawed migrant encampments, but have  
15       done nothing to provide the housing and they want a  
16       hiring law. I think this is a very mixed, very  
17       contradictory kind of action.

18           MONSIGNOR BARRY: We have a new judge,  
19       Armando Rodriguez, that has just arrived. Judge,  
20       welcome aboard. And Diane Yu has just arrived of our  
21       Commission.

22           MS. MERCADO: I just realized there was  
23       another point of information that I wanted to give  
24       you. We have, and I think that I may have given you  
25       some of this information in the past, but I'd like to

1 reiterate because we are very happy that it is  
2 ongoing now. One of the recommendations was for  
3 establishment of a clearing house in the State  
4 Attorney General's office, with respect to hate  
5 crimes prevention, development of model programs,  
6 identification of model programs, and other useful  
7 information, and resources that we could share and  
8 make available to community organizations, law  
9 enforcement, schools and so forth.

10                   Lola Acosta, my assistant, in fact is  
11 heading up that effort in the office, and we are  
12 beginning to input the data into the computers, so  
13 that we will be developing informational catalogues  
14 that we can send out and refer people to. So we are  
15 very happy that that is falling into place now too.

16                   MONSIGNOR BARRY: It might be helpful too,  
17 to remind people that Alice Lytle several years ago  
18 chaired a committee that initiated the efforts to get  
19 input throughout the state concerning hate crimes,  
20 crimes against minorities, and it was the result of  
21 that particular survey that shocked an awful lot of  
22 people in the state. In fact, to appreciate the  
23 fact, it gave some impetus to Attorney General John  
24 Van de Kamp to take that particular program and bring  
25 it up to date. I think if you have anything you'd

1 like to add just historically, it might allude to how  
2 far we may have come -- some of the reading you have  
3 done.

4 HON. LYTLE: Well, just to give you some  
5 historical background, several years ago -- more than  
6 I care to share with you -- I was chief of what was  
7 then the Division of Fair Employment Practices, which  
8 at that time, was a division within the Department of  
9 Industrialization. And one of my concerns -- well,  
10 as you know, the California Fair Employment Practice  
11 Law protects people against, among other things,  
12 discrimination, employment, housing, public  
13 accommodations.

14 The law also provided for some  
15 jurisdiction in the area of violence perpetrated  
16 against people, or it did after we changed it. It  
17 occurred to me that we didn't know enough about the  
18 question of violence perpetrated against people  
19 because of their race, ethnicity, religion, etcetera.

20 I assigned a staff person to conduct what  
21 could only be a very preliminary, indeed cursory,  
22 study of the issue, and as Monsignor Barry indicated,  
23 reading just that cursory information were appalled  
24 at what we found out; that what we considered to be,  
25 at least during the year's study, an alarming

1 increase in incidents of violence, particularly in  
2 certain sections of the state, Los Angeles  
3 particularly, high incidents of anti-Semitic violence  
4 in certain parts of Northern California, Sacramento,  
5 Contra Costa area, violence against black families,  
6 violence against Latinos, violence against gays and  
7 lesbians. And it appeared that it was something we  
8 simply couldn't ignore any longer.

9 So, when I became Cabinet Secretary under  
10 the administration of Governor Edmund G. Brown, Jr.,  
11 I asked him if we could create a statewide task force  
12 to do a more thorough study of the issue. And one of  
13 the recommendations of that task force was that the  
14 Attorney General for the State of California formed a  
15 task force because under the jurisdiction of the  
16 Attorney General's Office there appeared to be a  
17 likelihood of more intelligently outlining the laws  
18 of the state to protect people against that kind of  
19 violence because that's the history of this task  
20 force. Actually, in the legislative arena, the  
21 Attorney General had far more success than the task  
22 force that was created by Governor Brown.

23 Moreover, I think that given the ability  
24 to generate the kind of information this Attorney  
25 General's task force has been able to generate,

1 there's a greater likelihood of being able to reduce  
2 the problem of hatred and violence perpetrated  
3 against people, but we have a very, very long way to  
4 go.

5 You would find it useful to read the  
6 report that was generated by the Governor's task  
7 force because it gave a very clear and unhappy  
8 history of this kind of hatred and violence just in  
9 the State of California.

10 I consider myself very sophisticated about  
11 this sort of thing, but I was surprised about, number  
12 one, how long this has been going on, and two, what a  
13 continuing problem it is -- it has been. So I would  
14 refer you to that report. We made copies available  
15 in the libraries of the state and the Fair Employment  
16 Practices, which is now a department, would still  
17 have copies of the report, and I commend it to you as  
18 history of not only with regard to this task force,  
19 but it's history as to what a deep and abiding  
20 problem this has been.

21 MONSIGNOR BARRY: Thank you, Alice.

22 Joaquin Avila is here, a former member of  
23 our Commission, and we'd like to hear from him as  
24 part of the input of our Commission meeting.

25 MR. JOAQUIN AVILA: Good morning, I'm

1 struggling through a cold here. Thank you very much  
2 for taking me out of order. I have a very similar  
3 presentation to make before another group in about an  
4 hour, hour and a half, in southern Alameda County.  
5 So, I thank you very much for taking me out of order.

6 I am a voting rights attorney in southern  
7 Alameda County. I have been in private practice now  
8 for four years. Before that I was president and  
9 general counsel of the Mexican-American Advanced  
10 Education Fund, and in my capacity as private,  
11 private practice, I come in contact with many  
12 communities across the state and one of the things I  
13 have noticed over the years is in fact, the more  
14 increased level of violent activities in many  
15 instances that have been perpetrated and committed  
16 against minority communities, and it's important to  
17 put this thing in a connection, and of course, we've  
18 all heard about the discussions concerning the future  
19 demographic changes and so on. But it's somewhat  
20 analogous to the experiences I've had in voting  
21 rights litigation, and that is whenever a minority  
22 population, maybe five to less than ten percent, in a  
23 city or school district, you often find in some  
24 instances that a minority can get elected.

25 In some instances that is possible because

1 there is not -- it is not perceived as a threat and  
2 as a result of that, you do find some in some places,  
3 minority representatives in city councils and school  
4 boards. It's only when minority populations start to  
5 increase beyond ten percent, fifteen percent  
6 threshold level that you have a greater perception  
7 either of whether it appears to be a threat, or self-  
8 defense or a defense mechanism, or whatever. But the  
9 presence of the growing minority community somehow  
10 causes more opportunities for people to engage in  
11 what I call racially polarized voting. And that is  
12 where the Anglo community candidates are preferred by  
13 the Latinos and minority communities.

14 So we are in the same position at the  
15 statewide level in California where the minority  
16 population is going to become in fact a majority, by  
17 expected and conservative estimates, by the year  
18 2000.

19 So, it's in that context that I start to  
20 see a lot of incidents that have been occurring.  
21 They've been well documented and the most recent  
22 well-documented incident was the burning of a cross  
23 in the City of San Leandro. I've gotten phone calls,  
24 the most recent one was from this Hispanic family in  
25 southern Alameda County that was experiencing very

1       overt racial hostilities. They were in a  
2       predominantly white, semi-affluent part of southern  
3       Alameda County, and they were experiencing  
4       harassment, both for their children and also for the  
5       adults.

6                     And in fact, just yesterday I was speaking  
7       with my son about his school -- he attends Mission  
8       High School in Fremont -- and he was telling me that  
9       in his English class they got into a discussion about  
10      the Pledge of Allegiance and how some -- there was a  
11      discussion as to whether in fact by not saying the  
12      Pledge of Allegiance whether you in fact are un-  
13      American, or whether you were just merely affirming  
14      the values and principles, but yet realizing that we  
15      were a long way from that. And during the course of  
16      that discussion, a student admitted that he was a  
17      bigot and these were high school students, so I  
18      wouldn't pass it off at the level, to the elementary  
19      or undevelopment or whatever of elementary schools.  
20      This was a high school student that had admitted that  
21      he was a bigot and the statement went unchallenged.  
22      And I think it really relates to the latter part of  
23      my discussion and that is, what can we do about these  
24      things that are occurring.

25                     It's not just violence committed by non-

1       officials, by private citizens. It's violence that's  
2       being perpetrated and being perceived as that by many  
3       INS officials in the raids in the San Jose and Gilroy  
4       areas as well as other parts of California.

5                  What is happening here? I think that what  
6       we're seeing is what I am seeing in our voting rights  
7       litigation as the minority populations starts to  
8       increase in numbers and starts to exert some very  
9       basic issues concerning access, you're going to see  
10      more confrontations, you're going to see more  
11      incidents like the cross burning in San Leandro.  
12      More students openly engaging in racial hostilities,  
13      you're going to see more of that.

14                 And it's not that there are no quick  
15      fixes. The reason why this is happening is because  
16      there is a climate -- it's a climate that has been  
17      fostered and created and nurtured in the highest  
18      levels of government to local governmental agencies,  
19      from very overt acts with intent, specific intent, to  
20      discriminate, to more benign, more innocuous things.  
21      But it's a climate, and I think that we need to do  
22      something, to go beyond the mere climate of racial  
23      and ethnic toleration, the climate of non-  
24      discrimination. We need to go beyond that, we need  
25      to go beyond to a climate in which we are able to

1 extol and praise the benefits of our cultural and  
2 racial diversity.

3 And that has to be very positively  
4 stressed. And the only place where I think that  
5 could be positively stressed is in the school  
6 systems. There has to be in the curriculum courses  
7 on -- I don't know what you want to call it --  
8 basically, interpersonal relations with very strong  
9 components focusing on the racial and ethnic  
10 diversity within our state. And that's where it has  
11 to be, that's where the younger generation spends  
12 most of its time, especially in the elementary  
13 schools before they start dropping out -- junior high  
14 and high schools.

15 And there's, of course, work that needs to  
16 be done in other areas; voting rights, employment,  
17 education, economic development. But this committee  
18 and certainly the state legislature can't tackle  
19 everything. But if you could just focus your efforts  
20 and give very specific recommendations and maybe have  
21 a test pilot, or test school sites where you can  
22 examine the implementation of such a program, that  
23 would test attitudes both before and after the  
24 program and find out what works. And if it works,  
25 let's implement it on a statewide basis. That's what

1       we need because ten to fifteen years from now we're  
2       going to be in a very severe social crises if we  
3       don't start to address these issues now in a very  
4       meaningful way.

5              Thank you. I'm here for any questions.

6              MS. DIANE YU: Yes. This is Diane Yu,  
7       Commissioner. Do you know of any test programs, or  
8       pilot projects that you could recommend, or  
9       investigate a little more closer? Are there any  
10      models out there that you're aware of now?

11             MR. AVILA: No, there are not. I'm sure  
12      they are out there, I am sure. Probably where I  
13      would probably look for one would be places where  
14      they desegregated lately, and they had programs to  
15      try to ease some of the racial and ethnic tensions  
16      that are caused by desegregation plans.

17             And many times a component of a  
18      desegregation plan on a temporary basis, is to have  
19      some programs that deal specifically with that issue.  
20      And the most recent one, I guess, is in the San Jose  
21      Unified School District. I'm not sure that they have  
22      such programs, it's the first place I would look for  
23      them.

24             MS. YU: Are you aware of any programs  
25      nationally? I know you have a lot of contacts

1 throughout the country.

2                   MR. AVILA: No, I am not aware of any  
3 specific programs, but the places I was thinking  
4 of -- places where I would start to go to look for  
5 such things, there was a report issued by the  
6 Carnegie Foundation. It was funded by the Carnegie  
7 Foundation and it's a report that deals with the very  
8 high dropout rate of Latinos across the country. And  
9 it was published by the Hispanic Policy Development  
10 Project.

11                  MS. YU: Do you know what year that was?

12                  MR. AVILA: It was about five or six years  
13 ago, and the Hispanic Policy Development Project, I  
14 believe, is in New York City. And I'm sure one of  
15 the Foundation officers of Carnegie would know how  
16 you could get in touch with them.

17                  MS. YU: Thank you.

18                  MR. DAVID KASSOY: Yes. This is David  
19 Kassoy, and I had two points I wanted to make.

20                  A brief observation about the political  
21 process and what happens when it increases its  
22 numbers. There are six Jewish United States  
23 Senators. None of them are from New York, California  
24 or Illinois, where most Jewish Americans live. So  
25 that phenomenon, or perceived threat, when a minority

1 isn't a threat is not new.

2                   More importantly, I wanted to say that I  
3 completely agree with your concern that as California  
4 becomes more of a pluralistic society, as the  
5 minority population becomes a greater percentage of  
6 the population of California, that we are going to  
7 have severe strains in our society that we have to  
8 prepare for.

9                   Probably the biggest factor in unrest  
10 among people who are different, is economic. This  
11 commission has very little that it can do in that  
12 sphere. I think we've done a lot in the area of  
13 criminal and civil law, but the most important area  
14 is what you stated, it is education.

15                  Education and government having a role as  
16 a conciliator, and that's two areas of the  
17 recommendation of this commission on which we still  
18 have a great deal of progress to make. As was  
19 mentioned earlier, legislation that would add human  
20 relations components was vetoed by the Governor.

21                  The data collection in the schools, which  
22 was the other legislation that would show us --  
23 enable us to identify the problem and to measure it,  
24 was vetoed by the Governor. The legislation that you  
25 recommended to set up human relations commissions in

1       every county still has not been passed.

2                   I wondered whether you, as a  
3 representative of the private sector that is working  
4 so hard in this area, have ever considered the  
5 possibility of an initiative, a human relations  
6 initiative. We've seen many, many people use the  
7 initiative process to show the legislature that the  
8 legislature isn't doing their job. Perhaps this is  
9 an area which an initiative could accomplish  
10 something that the legislature has not yet had the  
11 intestinal fortitude to do.

12                  MR. AVILA: I would certainly examine the  
13 approach of the initiative. The only difficulties  
14 that I see is financial. But it takes a considerable  
15 amount of funds to even have an initiative placed.

16                  And secondly, I would be afraid of the  
17 backlash that might result. And the only experiences  
18 I have with initiatives, if it's portrayed as a  
19 minority issue, and if it's somehow packaged that way  
20 by the opponents of such a measure, then it would be  
21 defeated. You have to look at things like the  
22 English Only Initiative -- if you go back as far as,  
23 if you like, at one point I think there was  
24 Proposition 14, which permitted home owners to sell  
25 property to whomever they wanted. And of course, in

1 many instances they wouldn't sell to any minorities.

2 So, I'm not that optimistic about the  
3 initiative process being a very realistic vehicle for  
4 that because it takes a great deal of financial  
5 resources to get something like that. I would first  
6 of all recommend focusing on developing a track  
7 record.

8 In your discussions, it sort of triggered  
9 in my mind another agency that could be contacted and  
10 I'm sure you're familiar with it. And that is the  
11 Community Relation Service of the United States  
12 Department of Justice. I had a great deal of  
13 experience with them in Texas. There was a great  
14 deal of animosity and hostility to the law  
15 enforcement officials in the Hispanic community  
16 because of several killings that had occurred while  
17 persons were in custody. And what Community  
18 Relations Service did is they sponsored a series of  
19 workshops, small workshops first where we got the  
20 sheriffs and the city police chief, some of the major  
21 cities -- just three or four -- and three or four  
22 statewide leaders, and so on. And from that nucleus  
23 developed much larger workshops to a conference and  
24 so on.

25 I think that the way this issue can be

1 approached, clearly, is we need to address much  
2 larger impact and larger issue. But I think if there  
3 is any way we could start to establish contact with  
4 the Community Relations Service to try to find out  
5 from various foundations and groups as to what kinds  
6 of similar programs they have in schools. And if  
7 there is a success story out there, it's already been  
8 done, we need to publicize that and try to replicate  
9 it at other places. And if we fail at the statewide  
10 level, then this focus may be on a school district.

11 Clearly, there must be a school district  
12 in California that sees this as an important  
13 priority, that would be willing to work with the  
14 commission to address the issue of race and ethnic  
15 relations and start off with a small, manageable  
16 project and develop a track record which can then  
17 form the basis for more comprehensive statewide  
18 legislative process or to the initiative process.

19 MONSIGNOR BARRY: Thank you very much,  
20 Joaquin. Later on this morning we will be hearing  
21 from school districts that do have projects that are  
22 successful.

23 HON. LYTLE: I just can't let you leave  
24 without telling you, or acknowledging the truly  
25 remarkable work that's being done in the voting

1 rights area. I just wanted to tell you.

2 MS. YU: May I ask one more question  
3 please?

4 This is Diane Yu. Before you leave I want  
5 to take the opportunity to ask you, since you are a  
6 lawyer, whether you feel that the recent U.S. Supreme  
7 Court cases which generally have cut back  
8 substantially on the affirmative action effort, may  
9 have some negative impact in terms of human rights,  
10 human relations efforts that you're interested in?

11 MR. AVILA: I don't think clearly yes. It  
12 relates back to this climate that I was discussing.  
13 But what I found is that we can't just merely rely on  
14 government entities. We have to create our own  
15 opportunities and we have to seize them. And I think  
16 there is plenty of -- I think if there are school  
17 districts that are willing and are going to be  
18 presenting programs. I think maybe developing a  
19 coalition for an issue, a group of individuals from  
20 minority businesses, from educational institutions,  
21 and in other sectors of the minority communities to  
22 focus on the particular school and to address the  
23 issue. And then take that to try to replicate that  
24 on a statewide basis and it was done in a similar  
25 fashion in Santa Clara County with the Latino Issues

1       Forum of Santa Clara County where you had  
2       representatives from educational institutions such as  
3       Stanford. You had business people, you had  
4       researchers, you had private persons like myself, and  
5       community advocates were involved. And they  
6       developed a report on education, drugs and so on.  
7       And I think a similar effort like that could be  
8       targeted in a given school district and that way you  
9       could replicate and publish it.

10                   MONSIGNOR BARRY: Thank you very much. We  
11          appreciate your input, both past and present.

12                   We are ready to start the hearing now, it  
13          being 10:00 o'clock, and it might be good to indicate  
14          two things first. One, is to welcome all who have  
15          been good enough to come to the hearing. We hope and  
16          we are confident in the course of the day you will  
17          hear some very significant input in our concern  
18          together that with the call of Attorney General John  
19          Van de Kamp to create the commission in 1984. The  
20          information on the nature and incidences of hate  
21          violence in California as the commission met over a  
22          period of two years from '84 to '86, it had hearings  
23          all over the state -- north, south, central -- and it  
24          became convinced that violent crime motivated by  
25          bigotry did exist. And the summary that was put

1 together virtually in a report has called us to  
2 periodically read, look at how violence might still  
3 be apparent and present.

4                 Unfortunately, violence motivated by  
5 bigotry exists and appears to be increasing in some  
6 areas of the State of California. And as the poor  
7 get poorer and the rich get richer, some of the  
8 violence is among the minorities against minorities  
9 because of the victims of poverty rather than the  
10 freedom to share all the benefits that the nation has  
11 to offer. We will be reporting back to the Attorney  
12 General on the current status of hate crime in  
13 California and the efforts that are being made to  
14 stop it, or control it, or to in some sense modify  
15 it.

16                 On behalf of Attorney General John Van de  
17 Kamp and the Commission, we want to thank you all for  
18 coming today. At this particular moment the Attorney  
19 General, himself, is giving a report.

20                 Last January Patrick Purdy committed one  
21 of the most appalling crimes in California history.  
22 He opened fire on a crowded playground at Cleveland  
23 Elementary School in Stockton and then he committed  
24 suicide.

25                 Purdy attacked the Southeast Asian

1 immigrants out of festering sense of racial hatred.

2 This is the report that the Attorney General John Van  
3 de Kamp is giving right now. He attacked the  
4 children out of his own insecurity and cowardice.

5 Some of the complications that the  
6 Attorney General is making in his presentation now,  
7 is that such sentiments are common in California,  
8 whether directed at immigrant groups or the  
9 minorities like blacks, Jews, or Hispanics. Most  
10 people who believe and say such things are not so  
11 dangerous and unstable as Patrick Purdy, but it's no  
12 coincidence that the number of racially and  
13 ethnically motivated hate crime in California are  
14 rising rapidly.

15 As the committee recommendation made last  
16 year, schools in communities must share the  
17 responsibility of this work. We've already observed  
18 here this morning in our own group, so must all of  
19 us. If we accomplish anything in our lives we can  
20 help deny psychological support to the Purdys among  
21 us. This is one particular observation that is being  
22 made at this moment by the Attorney General. And as  
23 we move into our own hearing we would like to suggest  
24 a couple of aides because it's a very full schedule.

25 There are some wonderfully informed people

1 appearing before us and we'd like to remind you that  
2 any testimony given today, or up until October 31st,  
3 will be accepted and become a part of the report.

4 In the interest of time here, it will be  
5 beneficial that each person who presents the material  
6 would summarize it. We have, roughly speaking, about  
7 ten minutes per person to give a presentation. And  
8 that doesn't mean that anything that can entail or  
9 substantiate what you're observing in your summary  
10 would be kept out of the report. If you can plan to  
11 give it to the office by October 31st, it will be  
12 included in the report itself.

13 We now welcome you, and encourage you to  
14 make a presentation. Most of you have a copy of what  
15 your report says. Please leave it with us today so  
16 we can take that.

17 Now we have Sam Cacas for the first  
18 presentation. Please introduce yourself and whom you  
19 represent and give your presentation. Welcome, Sam.

20 MR. SAMUEL CACAS: Thank you, Monsignor  
21 Barry. Thank you, Commissioners.

22 My name is Samuel Cacas, and I'm here  
23 representing the Break the Silence coalition against  
24 anti-Asian violence. The coalition since its  
25 inception in 1986 has addressed broader aspects of

1 anti-Asian sentiment and violence. Some of these  
2 issues include racial stereotyping by the media, the  
3 adequacy of law enforcement and other federal  
4 agency's response to victims of anti-Asian violence,  
5 government policies that encourage anti-Asian  
6 violence. And that in addition to the anti-Asian  
7 violence, the hate violence to other groups such as  
8 blacks, lesbian and gays, Jews, and Arabs and women.

9 Publishing a newsletter, holding community  
10 forums, and making presentations at schools and other  
11 interested organizations are just some of the  
12 activities that we have undertaken to address the  
13 issue.

14 Our main accomplishment thus far has been  
15 community organizing in San Francisco with black, gay  
16 and lesbian, and women's groups which resulted in  
17 passage earlier this year of a hate crimes monitoring  
18 system for the San Francisco Police Department.

19 Currently, we are conducting  
20 intercommunity outreach programs to the black  
21 community, the gay and lesbian community, and the  
22 Southeast Asian community in the Bay Area and the  
23 Stockton area.

24 Since the commission has held hearings  
25 four years ago, hate violence has increased in both

1           numbers and violence. No community has been exempt.

2           For instance, this escalation has been  
3           typified by the following examples:

4           In 1987, an 18-year-old Chinese American  
5           student in Lafayette was the victim of racist  
6           graffiti and death threats written on his home, his  
7           school, and the city's business district.

8           In 1988 at U. C. Berkeley, racist graffiti  
9           proclaiming "Japs and Chinks Only!" was found on the  
10          door of the ethnic studies department.

11          And just two months ago in North Carolina,  
12          a Chinese immigrant was murdered by a white man  
13          outside a barroom following racial violence, and  
14          struck with a shotgun.

15          And earlier this year, as Monsignor Barry  
16          has mentioned, four Cambodian and one Vietnamese  
17          student were struck down in a Stockton elementary  
18          school yard by a man wielding an automatic assault  
19          weapon, and hatred being the issue.

20          There have been advances in dealing with  
21          hate violence. The Attorney General's office and  
22          this commission play key roles in increasing  
23          penalties and creating civil remedies against hate  
24          crime perpetrators.

25          Individual jurisdictions such as San

1 Francisco, Los Angeles and Concord have created hate  
2 crimes monitoring systems. And just three days ago,  
3 California created its first statewide hate crimes  
4 reporting system.

5 Yet despite these advances on the  
6 government level, little has been done to insure a  
7 corresponding ripple effect at the community level.  
8 This is due to three factors.

9 One, lack of public education efforts.  
10 Two, no effort to link law enforcement agencies on  
11 hate crimes with a general comprehensive community  
12 response to hate violence.

13 And three, a failure to recognize  
14 community groups as institutions which have done much  
15 of community education advocacy and victim assistance  
16 necessary to address hate violence.

17 Break the Silence makes the following  
18 recommendation:

19 1. Full implementation of the new Hate  
20 Crimes Reporting System. As some of you may know,  
21 this system which was proposed by former Senate Bill  
22 202 by Diane Watson, as yet has no appropriation,  
23 even though it's scheduled to go into effect July 1  
24 of 1990. This commission should recommend  
25 legislation to insure adequate funding for the proper

1 operation of the reporting system, and further to  
2 insure public input into the operation of this  
3 system. A statewide advisory task force should be  
4 created to solicit ideas for the design and use of  
5 the reporting system. Similar advisory models at the  
6 local level might be suggested, such as a community  
7 committee working with the San Francisco Police  
8 Department currently to better implement their hate  
9 crimes reporting system.

10                 2. Full implementation of the Bane Civil  
11 Rights Act. This commission should recommend to the  
12 Attorney General a full program of training and  
13 education on the Bane Civil Rights Act. This should  
14 include direct training and liaison with attorneys  
15 and cooperative training efforts with the civil  
16 rights community.

17                 Further, specific committees should be  
18 created to educate the public at large on their  
19 remedies in hate violence situations.

20                 3. Support for comprehensive hate  
21 violence projects. This commission should recommend  
22 creation of a comprehensive demonstration project  
23 throughout the state, similar to efforts supported to  
24 promote demonstration hate crime reporting systems in  
25 1986. Under Senate Bill 20804, increased support for

1           community-based organizations and networks.

2           Community-based organizations are by far  
3           the most effective means for promoting education and  
4           intervention service for hate violence prevention.  
5           Many organizations have years of experience in  
6           monitoring hate violence in the black, Asian, Jewish,  
7           and lesbian and gay communities, to name a few. But  
8           many of these organizations have consistently  
9           assisted victims and conducted advocacy work without  
10          recognition from the government organizations of this  
11          type. It should be recognized as instruction which  
12          plays an active role in alleviating strong law  
13          enforcement.

14          This commission should recommend and  
15          sponsor innovative funding support for these  
16          organizations and work for their inclusion at all  
17          levels. This effort can be acknowledged at a  
18          statewide human relations network to identify those  
19          organizations who can provide services and expertise  
20          on the hate crime, hate violence issue.

21          Break the Silence coalition is  
22          accomplishing the beginning stage of a joint venture  
23          between community groups I'm here to address, and we  
24          are definitely confident that the government, whether  
25          it's a commission or any other level of government,

1 will do its best to address this issue better in the  
2 future. Thank you.

3 MONSIGNOR BARRY: Thank you very much.  
4 Good recommendations and we will take them into  
5 consideration.

6 MS. CASTRO: I have a brief question.  
7 Early on in your presentation, you mentioned the  
8 coalition of groups that were working in this part of  
9 the state, I notice you did not mention blacks or  
10 Latinos -- is that to assume they are in a different  
11 coalition or they have no interests in this  
12 particular topic?

13 MR. CACAS: That's not true. I meant to  
14 say I didn't -- that was to be all inclusive,  
15 including the NAACP and the San Francisco effort.

16 MONSIGNOR BARRY: Thank you very much. We  
17 appreciate it.

18 Our next person giving a presentation for  
19 Contra Costa County District Attorney's Office is  
20 Jack Waddell.

21 MR. JACK WADDELL: Ladies and gentlemen of  
22 the Commission, my name is Jack Waddell and my title  
23 is District Attorney of Contra Costa County.

24 The reason I'm appearing before you this  
25 morning is to explain briefly in summary form the

1 protocol which our county -- the DA's office has  
2 developed in dealing with the issues of hate  
3 violence.

4                 Approximately a year ago, working with  
5 Human Relations Commission of our county, the  
6 District Attorney's office developed a protocol for  
7 dealing with the issue of hate violence in our  
8 community. The two main prongs of this protocol are  
9 as follows:

10               It features a vertical prosecution  
11 component for the prosecution of perpetrators of hate  
12 violence crimes. Some of you in law enforcement  
13 would know what this is, but for those of you who are  
14 not, what it is is a method of prosecution which has  
15 been developed in the past, mainly dealing with  
16 sexual assault victims, child abuse victims, and some  
17 career criminal-type victims where there's an effort  
18 to assign a case that comes into the office to a  
19 single attorney who follows the case all the way  
20 through, and appears in the case at all significant  
21 stages of the proceedings.

22               This method of prosecution accomplishes  
23 two things in our view. First of all, it meets the  
24 unique needs of victims of hate violence crimes,  
25 which are similar in some ways to the needs that are

1 found in the victims of the sexual assault and child  
2 abuse.

3 In other words, the victims very  
4 frequently, as opposed to some other crimes, find  
5 themselves emotionally traumatized and seem somewhat  
6 fragile emotionally. And they need someone to look  
7 to early on, as the case goes through the criminal  
8 justice system, that is knowledgeable about the case  
9 and was there when they needed them. This feature  
10 accomplishes that. And our protocol, it mandates  
11 that the attorney and the victim meet within a period  
12 of five days after the date filed, which may seem  
13 like more time than is appropriate, but it's a lot  
14 better than we can do in most cases.

15 The second thing it does, is it gives the  
16 attorney who is handling the prosecution of the case  
17 the opportunity to work up the case through a more  
18 intensive investigation, than they ordinarily have  
19 the time to do it, given the level of the case, many  
20 of which are misdemeanors.

21 As perhaps some of you know, the criminal  
22 justice system, like many other human service  
23 systems, are overloaded and sometimes a misdemeanor  
24 or prosecution are given rather summary attention.

25 What we try to do with this vertical

1 prosecution is take these cases out of the system and  
2 assign an attorney to this case who will be familiar  
3 enough with the case so that nothing is lost.

4 Because in the normal assembly line process of  
5 passing off cases from division to division, from  
6 attorney to attorney, many counties lose -- and we  
7 just in some kinds of cases, something is lost -- the  
8 analogy of the case is lost usually to the detriment  
9 of the prospect of conviction.

10           The other component -- the second prong of  
11 the protocol provides for that, which is important,  
12 is filing the decision. The decisional process is  
13 whether or not the prosecution is made by an  
14 experienced attorney in the office, as opposed to one  
15 of a lower level. Keep in mind that what we are  
16 talking about here is very often offenses which are  
17 misdemeanors in nature. And I think it's the case in  
18 our county and most other counties that routine  
19 misdemeanor cases are sometimes filed by  
20 investigators, attorneys who have just come out of  
21 law school and joined the office. Law clerks  
22 sometimes participate in the filing process.

23           Obviously, the more experienced person you  
24 have reviewing these cases, who is tuned in to the  
25 sensitivity of these cases, and the difficulties in

1 prosecuting them, the more experience you have in  
2 making decisions, making the process better off than  
3 you're going to be when the case enters the judicial  
4 system down the road.

5 So those two features of our protocol I  
6 think are somewhat unique. We are working with the  
7 Human Relations Commission in order to develop this  
8 into a countywide protocol, where school support  
9 groups, police departments and other community  
10 organizations developing their own protocol, which  
11 hopefully will dovetail with ours.

12 We are trying to develop a sensitivity in  
13 our office to these types of things. The protocol  
14 has been published as office policy. I do have some  
15 copies if anyone cares to see what it is.

16 Implementation of a system like this is not without  
17 problems, as we found. One thing that we found is  
18 that the civil rights laws, the 422 sections do  
19 provide us with some difficulty in that they are all  
20 specific intent crimes. What that means is, if you  
21 happen to have a -- and sometimes there are multiple  
22 specific intent crimes.

23 In other words, you have to have a crime  
24 committed with a particular intent and you have to  
25 prove that intent to the jury and the court beyond a

1 reasonable doubt and to a moral certainty. Sometimes  
2 this is difficult. Sometimes this is very difficult  
3 because there is an underlying issue.

4 For instance, if you have a vandalism and  
5 racial slurs painted, for instance, on a neighbor's  
6 garage door, for instance. Is racism the underlying  
7 issue, or is the underlying issue a history of  
8 neighborhood over-the-fence, backyard disputes  
9 between the neighbors -- barking dogs, encroachment  
10 of trees, and so on and so forth. And are these  
11 racial slurs only incidental and spontaneous and  
12 without any deep roots in terms of, you know, the  
13 underlying problem.

14 So these are issues that we've had to deal  
15 with. What we do frequently in the prosecution of  
16 these cases, is combine the hate violence crimes with  
17 other general intent crimes, like battery, vandalism,  
18 charging as multiple counts on the same complaint.  
19 So it eases the burden of the prosecution a little  
20 bit.

21 Another problem, of course, that we have  
22 at any time we do this type of prosecution, it's not  
23 what you call cost-effective. In other words, it's  
24 expensive -- it's an expensive way of going about it  
25 because taking one attorney away from a group and

1 having him only handle a single case is sometimes  
2 very, very difficult in terms of a drain on the  
3 resources in the office.

4                 However, we have made a decision that  
5 that's not going to be a factor and whatever monetary  
6 cost this type of approach imposes is made up by the  
7 other benefits that we get from this type of  
8 approach.

9                 Obviously, the prosecution element is a  
10 very small element. We don't obviously go to the  
11 roots of the issue. We are not into prevention so  
12 much, and what we do think is important is that when  
13 crimes -- hate violence crimes -- are committed that  
14 the perpetrators in the public recognizes that by  
15 seeing the perpetrators charged with this type of  
16 offense that it highlights the issue that this sort  
17 of conduct cannot be tolerated, that it is a crime,  
18 and persons who do these sort of things will have to  
19 answer for them.

20                 Like I said, I think that's just about my  
21 ten minutes. I do have some of these brochures.

22                 MONSIGNOR BARRY: Good. Leave those with  
23 us please.

24                 MR. WADDELL: I'll be happy to do that.  
25 Does anyone have any questions?

1 MS. YU: This is Diane Yu, Commissioner.  
2 Have you found -- what's the experience been, you  
3 said this was implemented last year -- what was the  
4 actual experience? How has it been received and do  
5 you find that the charges for these hate crimes may  
6 be made and ultimately dismissed or dropped because,  
7 as you indicated, they are more difficult to prove?

8 MR. WADDELL: Well, we've had probably  
9 only about a half a dozen cases in our county that  
10 actually have been charged criminally over the last  
11 year. I perhaps should have, but didn't get the  
12 specifics on what has happened in each case, but  
13 generally speaking, a couple of them have gone to  
14 trial and we did get convictions on the principle  
15 charge on one of them.

16 On another it was -- we charged a 422.6  
17 and got a battery conviction. It's not that bad,  
18 it's a lesser misdemeanor charge, but again the  
19 important thing is that we are charging these  
20 offenses and they are a public record. And the  
21 perception that the public has is that this person is  
22 on trial and has done one of these acts of hate  
23 violence and it just highlights the issue.

24 So whether or not we get a conviction on  
25 the principle charge probably is not as important as

1       the fact that they are charged. We do use these  
2       sections and as far as how it's received in the  
3       office, most attorneys do like to get a hold of a  
4       case like this because it allows them a little extra  
5       time to work on it. It's something a little bit  
6       different, and the opportunity to investigate the  
7       case on their own is always welcomed. So we found  
8       it's been well received in our office.

9                     HON. ARMANDO RODRIGUEZ: You mentioned you  
10      were trying to get protocol around the county. I  
11      wonder what the cooperation has been with the law  
12      enforcement agencies in the county.

13                    MR. WADDELL: It's been very good in our  
14      county. As a matter of fact, we are very close I  
15      believe at this point, to having a countywide  
16      protocol published and ready to go. The law  
17      enforcement part of the countywide protocol again  
18      emphasizes, once the investigation is done it  
19      dovetails with our protocol by indicating that  
20      investigators should bring the case up to what we  
21      call our Felony Filing Deputy, even though the case  
22      may be a misdemeanor. They are instructed to bring  
23      it to the Felony Filing Desk, which is desk manned by  
24      a more experienced attorney. And then in our  
25      protocol we indicate that this is the attorney that

1       is supposed to make the decision along with the head  
2       of the office, and also key in and notify the DA  
3       himself -- any case that comes in like this.

4                 We are trying to make sure these cases  
5       don't slip through the cracks at any stage of the  
6       proceedings. The police investigation is taken from  
7       the police, to the DA's office, and doesn't get lost  
8       in the DA's thousand or so cases, but it's given  
9       special attention and special assignment. It does,  
10      in fact, work.

11               Now if we had 50 or 75 of these cases and  
12     we tried them in this vertical prosecution, it could  
13     be a substantial drain on our resources. But at the  
14     present time we're functioning all right.

15               MONSIGNOR BARRY: Thank you.

16               MR. KASSOY: Specifically, do you have any  
17     special features in your protocol for dealing with  
18     juvenile offenders? Has your experience been that  
19     there is any disproportionality of hate crimes  
20     committed by juveniles? When you do deal with  
21     juveniles, is there any sort of diversion program  
22     which would enable one-on-one so that person would be  
23     perhaps influenced and turned around?

24               MR. WADDELL: Of course, juveniles are a  
25     little bit different ball game all the way around.

1 To answer the first part of your question, we do have  
2 and we're doing it right now, incidents involving  
3 juveniles clearly is a problem. I don't know whether  
4 it's disproportionate, but it is a problem.

5 Many times, of course, once a juvenile is  
6 cited or arrested for an offense like this, he is  
7 taken to the probation department and it goes to the  
8 police probation department unless it's a certain  
9 specified type of crime. But the younger juveniles  
10 are taken to the probation department and that acts  
11 as a clearinghouse. The probation department deals  
12 with the case, and determines whether or not some  
13 sort of informal diversion would be appropriate.  
14 They decide whatever seems appropriate.

15 Then the case is brought into our office.  
16 And if it is brought into our office -- as a matter  
17 of fact I happen to be in charge of the juvenile  
18 section, so the same protocol that we have in the  
19 adult section is followed by our juvenile section.

20 Once the case goes into the DA's office we  
21 -- with juvenile cases, we do have an intervening  
22 body with the probation department which screens all  
23 the cases before they are referred to us, unlike any  
24 adult court where it comes directly from the  
25 investigating agency, the police department right

1 through the DA's office.

2 HON. LYTLE: You quite correctly noted  
3 that one of the values of this type of prosecution  
4 and these types of laws is to send a message to the  
5 general community that the government will punish  
6 this type of activity.

7 In line with that, let me ask you  
8 something that may seem unrelated to this issue of  
9 the prosecution of hate crimes. What is the makeup  
10 of your office in terms of minority prosecutors, and  
11 what is the makeup of the law enforcement agencies  
12 with whom you work in terms of minority  
13 representation? Because that sends a message to the  
14 community.

15 Moreover, the training which these people  
16 must receive is training in the area of human hate  
17 based on race, ethnicity, etcetera. So there is a  
18 direct relationship between the affirmative action  
19 profiles, the various agencies with whom your office  
20 works and the success of this kind of prosecution.

21 MR. WADDELL: All of that is true. As far  
22 as how many prosecutors of a particular race are in  
23 our office, I don't have these figures right off the  
24 top of my head. I have several black, several more  
25 Asian lawyers in the office.

1           We don't assign cases like that to  
2         minority prosecutors for that particular reason. We  
3         don't pick them out and say, "This is a hate violence  
4         crime against blacks and you are black so you handle  
5         it." I don't think that's a good idea. We don't use  
6         them in that way.

7           But in terms of our office, I mean we  
8         are -- we're working with our affirmative action  
9         officer, as far as I know, to achieve the mandated  
10        standards. As far as the police departments are  
11        concerned, you'd have to check with them.

12           I know that, for instance, Richmond Police  
13         Department, which we work with a lot, has a  
14         substantial minority force, population. Some other  
15         departments such as Pittsburg perhaps have more  
16         Hispanic officers. Other departments such as Walnut  
17         Creek do not have a high proportion of minority  
18         personnel. It varies substantially within the  
19         departments and the area in Contra Costa County that  
20         you're talking about.

21           As you know, it's a rather diverse  
22         community, both economically and ethnically. That  
23         doesn't answer your question, I guess, but we've --  
24         we feel that the program that we have works well  
25         within our office.

1                   HON. LYTLE: I have one more question.

2                   Typically, in my jurisdiction, many  
3                   misdemeanor offenders are placed on probation and  
4                   although we don't always seek probation for the  
5                   particularly high visibility offenses, or offenses  
6                   that the district attorney considers very important,  
7                   we'll seek probation reports. In these kinds of  
8                   offenses, the probation department would be key with  
9                   respect to the sentencing. And on the one hand, a  
10                  very light sentence would be counterproductive, and  
11                  on the other hand a disproportionately severe  
12                  sentence might be equally counterproductive.

13                  Moreover, building on David Kassoy's  
14                  point, the juvenile is a particularly difficult  
15                  situation, not necessarily the juvenile in terms of  
16                  juvenile law, the young offender who is treated as an  
17                  adult -- have there been any training programs that  
18                  you're aware of for the probation department to  
19                  assist them in making reports that are of maximum  
20                  utility to the judges who must sentence?

21                  MR. WADDELL: I'm not aware of any  
22                  specific training program the probation department  
23                  has had on this particular issue. That doesn't mean  
24                  it doesn't exist.

25                  The one good thing about vertical

1 prosecution that I talked about, is it allows the  
2 attorney to get involved more intimately with the  
3 probation department and the victim, even personal  
4 visits to probation officers, rather than discussions  
5 over the phone or no input at all, which happens in  
6 many cases. So this approach does allow us to do  
7 more in terms of having our input to the probation  
8 department for sentencing purposes.

9                   But as to whether or not they have  
10 received any particular training at this point in  
11 time, I can't honestly tell you.

12                  HON. LYTLE: I would suggest it might be a  
13 good idea to assist your office.

14                  MR. WADDELL: I think you're certainly  
15 right.

16                  MR. VINCENT HARVIER: This is Vincent  
17 Harvier. I was interested in the comment you made  
18 during your presentation about the prosecutor process  
19 before it gets to that point where some of these  
20 cases are being filed, you made the statement --  
21 something to the effect, that a determination has  
22 been made as to the spontaneous act --

23                  MR. WADDELL: Well, let me give you an  
24 example. We had not too long ago the case involving  
25 a history of disputes between neighbors. I mentioned

1       arguing over a barking dog, over encroachment on the  
2       property, things that neighbors get into.

3                 In one case, the thing that precipitated  
4       this particular incident, the victim's wife, I guess,  
5       came over and was talking to the defendant's wife.  
6       And they got into an argument and there was a bunch  
7       of name-calling that didn't have anything to do with  
8       racial slurs but, you know, talk about the past  
9       history of problems they had like kids coming on the  
10      property and the dog's going on the other person's  
11      property, all those type of things. And it ended up  
12      in a name-calling thing and escalated into an issue  
13      where there was racial slurs.

14                 Now, I guess, what we have to ask is are  
15      the racial slurs -- was this remark made because they  
16      were bigoted or because they were stirred up over  
17      these underlying issues that had been festering for  
18      some time. And if you have to prove beyond a  
19      reasonable doubt that the crime was based on bigotry  
20      rather than something else like the dog pooping on  
21      the other one's yard, that becomes another issue,  
22      trying to get into the criminal arena.

23                 I don't know whether that explains it or  
24      not. Those are the types of problems we see.

25                 MS. YU: One more question, sir. Has your

1 office approached or has it considered approaching  
2 the California District Attorney's Association with  
3 regard to publicizing this kind of protocol, if you  
4 feel generally it has been successful or favorable.  
5 Has there been some thought to extending it to beyond  
6 your office?

7 MR. WADDELL: Yes. As a matter of fact,  
8 we have appeared before the California District  
9 Attorney's Association last year at the convention,  
10 and presented this at one of the workshops.

11 MS. YU: Do you know of any other counties  
12 who have implemented this idea?

13 MR. WADDELL: Not right offhand. I'm sure  
14 there are some. This is not particularly unique in  
15 terms of the mode of prosecution. What is unique is  
16 the adaptment of this particular issue.

17 MS. YU: No, that is what I meant.

18 MR. WADDELL: But I am not aware of any  
19 local county that's doing it quite the same way as we  
20 are.

21 MS. MERCADO: Diane, this was the training  
22 that I mentioned earlier, and we really are grateful  
23 to have Jack's input and assistance with that as well  
24 as the Fair Employment and Housing Commission's  
25 resources for us. So we are continuing to work on

1       that training.

2                  MONSIGNOR BARRY: Thank you so much, Jack.

3       It's encouraging to see work like that being done.

4                  Now let's take some time to take a quick  
5       break and stretch.

6                  (A short break was taken.)

7                  CHIEF GEORGE STRAKA: Thank you. Good  
8       morning ladies and gentlemen of the Commission. I'll  
9       try to speak quickly.

10                 I'm here to share my department's  
11       experience on collecting data on racial, religious,  
12       ethnic and sexual orientation crimes motivated by  
13       hatred or prejudice.

14                 I will also briefly discuss problems or  
15       limitations that we experienced during implementation  
16       and maintenance of our program, and I will be sending  
17       a more detailed report to the commission which will  
18       focus on any questions you may have.

19                 In July, 1986 we established a formal  
20       policy and procedure for handling hate crimes,  
21       hereafter referred to as RRE's. Prior to that time,  
22       we were operating under a directive from my office  
23       which was not as structured.

24                 In a nutshell, I will tell you that we  
25       basically modified protocol which your commission

1 recommended to the Attorney General in April of 1986.

2 At its inception, we defined hate crimes  
3 with a liberal interpretation. I always say if it  
4 has webbed feet, feathers, swims and quacks like a  
5 duck, it's a duck. And that's basically the standard  
6 we are using. We decided to document any incident  
7 which had racial, religious, or ethnic overtones.

8 At the initial part we did not focus on  
9 sexual orientation incidents. Our process places the  
10 highest priority response to calls of this nature. A  
11 police officer is detailed at the scene. A  
12 supervisor also responds. A field investigation must  
13 be conducted immediately and that means contacting as  
14 many witnesses, or what have you. We treat it almost  
15 like a felony crime.

16 The watch commander is notified and  
17 reports must be completed prior to the officer's  
18 closing his tour of duty. The watch commander  
19 ensures that the patrol is maintained in the area for  
20 as long as necessary, usually with a minimum standard  
21 of three days, but as long as necessary thereafter.

22 If the crime is serious, the watch  
23 commander must report to the scene and he must notify  
24 me. In less serious offenses, the watch commander  
25 ensures the uniformed division and investigation

1       division commanders are notified by computer mail for  
2       the next working day.

3                  The investigation division commander is  
4       then responsible for immediate follow-up and  
5       coordination of interdepartment and outside agencies.  
6       He maintains a cross-reference file for tracking  
7       purposes and analyses of trends. He maintains  
8       contact with appropriate review authorities and  
9       community leaders regarding the status of the  
10      investigation. He ensures also that any writings or  
11      symbols related to the incident are removed from  
12      public property and he encourages private property  
13      owners to do the same.

14                 For those unable to do so, a community  
15      relations unit will follow up. The crime prevention  
16      community relations unit performs all public  
17      investigations on noncriminal incidents motivated by  
18      hate. This unit holds public meetings to allay  
19      neighborhood fears, works directly with spokespersons  
20      for advocacy groups, and assists victims and  
21      participates in prevention program development.

22                 The unit also advises victims of the  
23      recourse provided by the Ralph Civil Rights Act. As  
24      an example, the development of Training Sergeant Al  
25      Freed (phonetic) has worked that unit, has worked

1 with our personnel office to ensure that we had  
2 training, cultural awareness training for all city  
3 employees and that's ongoing even today.

4           He works with the schools to notify them  
5 of any incidents and any resources they may have to  
6 follow. And he works with the Human Relations  
7 Commission of our city. Our training unit,  
8 internally, helps cultural relations training  
9 programs for all our officers. He prepares  
10 appropriate training bulletins, assists field  
11 training officers with recruiting, training, and  
12 verifies that the training is reflective of the  
13 changes in our community, and in society overall.

14           There were some initial problems. Some  
15 officers were concerned that we were providing a  
16 higher level of service in what could be perceived as  
17 minor incidents than that provided to the community  
18 as a whole. Priority One response to all calls at  
19 inception created a dilemma for us, and the conflict  
20 was when serious crimes of violence were occurring  
21 and our officers were tied up with nonlife-  
22 threatening racial, religious, or ethnic incidents.

23           As a result, in March of 1988 we reviewed  
24 our policy and we modified it slightly in that we now  
25 define hate crimes and hate incidents. An incident

1 was reduced to a Priority Two response, which simply  
2 means in your normal schedule of calls cued up that  
3 you'd respond as you would to any misdemeanor,  
4 nonlife-threatening crime.

5           The watch commander was also given  
6 discretionary authority to permit a late-reported  
7 incident to be reported by phone in lieu of officer  
8 response and then the response was followed by -- on  
9 the next working day -- by the Community Relations  
10 Unit. We also included sexual orientation crimes at  
11 that time to our policy. That decision significantly  
12 reduced some of the conflict we had been experiencing  
13 at the time.

14           I will be leaving a copy of our policy and  
15 training program with your staffers. We believe it's  
16 workable, but you should know in using it, it is  
17 extremely labor intensive. Most law enforcement  
18 agencies without staff augmentation, as is the case  
19 in most of our jurisdictions today, will be required  
20 to deprioritize other work.

21           I think it's essential to provide in-  
22 service training to all personnel, either prior to or  
23 in conjunction with implementation of such a policy.

24           Ideally, it should be accompanied by  
25 cultural awareness training and this, too, poses some

1 difficulty. Because there isn't that much available  
2 and what is there should focus on the needs of the  
3 individual community.

4 And in that respect, I have some concerns  
5 because there is a tendency in California that every  
6 time we get involved in a particular problem, that we  
7 mandate training. And in mandating training, you  
8 sometimes cause a resistance.

9 I think it would be best to develop  
10 training, a variable number of trainings so that law  
11 enforcement agencies could pick and choose to that  
12 level of training that effects their community and  
13 it's compensation.

14 Since 1986 and through September, 1989,  
15 using our extremely liberal standard, we have had 288  
16 incidences of this nature in our city, and one would  
17 say that that is alarming. But that's what you're  
18 going to see, at least from my perspective.

19 In 1986, a year we saw some racial  
20 conflict in our community, 120 incidents were  
21 reported. Since that time, these reports have  
22 declined approximately 20 percent per annum, so that  
23 this year we will be seeing 50 to 60 incidents of  
24 this nature.

25 Of those incidents reported to us, 73

1 percent involved criminal acts. The majority of the  
2 criminal acts were in the disturbance categories, 99  
3 or 47 percent. The disturbance category included  
4 racial slurs which could incite violence. And  
5 usually if there is a slur involved, our officers  
6 will take that as a 415, which is a basic disturbance  
7 classification.

8 We experienced 20 felonious assaults and  
9 43 misdemeanor assaults in those three years. During  
10 that time frame we arrested or cited 46 persons for  
11 involvement in some type of RRE incident. These  
12 numbers included assaults and RRE incidents. These  
13 numbers include adults and minors. Twenty percent,  
14 or nine of the offenders were minors.

15 Similar to what Jack Waddell said from the  
16 DA's office, some of these arrests involved other  
17 types of crimes. We're using a standard that if we  
18 have an incident that has a racial overtone or slurs,  
19 and we could make an individual for another type of  
20 crime, not necessarily racial hatred crime, we will  
21 arrest for that type of crime so those folks are  
22 entered into the system. We will make a follow-up  
23 with the DA's office to try to make sure there is a  
24 priority placed on this type of incident.

25 After three years this policy and

1 implementation is accepted in our department. It's  
2 emphasized by both the department and our personnel.  
3 There is an occasional gripe particularly when  
4 overall service demands overwhelm our response  
5 capabilities.

6 More significantly, however, there is a  
7 higher level of sensitivity on the part of our  
8 officers to the impact of victims as the result of  
9 hate crimes and incidents.

10 I also believe from my own experience and  
11 that of the officers that are dealing with our  
12 minority communities that trust has increased. I can  
13 cite you examples where our officers have arrived at  
14 the scene and the minority person has said that I am  
15 glad the police are here. They're the only non-  
16 prejudicial people here. We have also been able to  
17 identify areas where numbers of incidents related to  
18 me for intervention by the Human Relations  
19 Commission, or the need for public education.

20 As these policies are implemented  
21 throughout the state, the key component from my  
22 perspective rests upon the chief of the top  
23 administration of the department. There must be a  
24 commitment to enforce the policy with adequate and  
25 appropriate review. That message then spreads

1       through the department and it becomes an  
2       organizational value.

3                  That's my presentation, I will be glad to  
4       entertain any questions.

5                  MONSIGNOR BARRY: Thank you.

6                  Congratulations on a really good program. Very  
7       thorough. Any specific questions?

8                  HON. RODRIGUEZ: I have one. Where we  
9       have law enforcement chiefs of sheriffs, or chiefs of  
10      police, how do we get that commitment from them where  
11      it's nonexistent?

12                 CHIEF STRAKA: I think it's going to  
13       happen, at least in your county, and Mr. Waddell has  
14       talked about that. I believe we were the first  
15       agency in the county that created an official policy  
16       in dealing with the -- my peers, the county chiefs'  
17       group has sheriffs participate and the district  
18       attorney participates. I talked about some of the  
19       positive results that come out of it. I'm not going  
20       to be naive and suggest that some police agencies are  
21       not overwhelmed by the crime problems of their  
22       community, and can't take as broad an approach as we  
23       have.

24                 But following that, some agencies very  
25       quietly developed their own policies and as they came

1       on board there was a reaffirmation, if you will, that  
2       this works and it creates a more positive atmosphere  
3       with the minority and victimized communities. And as  
4       a result of that, there's been support from some of  
5       the communities that have a high minority population.

6                  One can say we are basically in a white  
7       community, 85 to 86 percent of our population is  
8       white. So we are not going -- maybe we'll have more.  
9       I can't tell for certain. This type of tracking will  
10      tell, but these communities, there are some  
11      communities that have established this policy and  
12      they are seeing positive results. I think that's  
13      what's going to cause police agencies to follow.

14                MS. YU: Chief, to what do you attribute  
15      the decline that you mentioned over the last three  
16      years?

17                CHIEF STRAKA: It's hard to say. One  
18      could say well we're more sensitive. It could also  
19      be that in 1986 there was a lot of publicity in our  
20      community over a couple of incidents and people in  
21      our community were very sensitive.

22                There could be a natural transition where  
23      we're seeing less. It could also be that there are  
24      good things working that are in the community. We  
25      have a very active Human Relations Commission. We

1       meet with the police departments perspective  
2       routinely. We meet with our minority groups annually  
3       to bring them all together and talk about what we're  
4       doing and any concerns they have. Who is to say? I  
5       don't have any statistical evaluation why we have  
6       less.

7                   MONSIGNOR BARRY: It does show, however, a  
8       real good intercommunication between yourself and the  
9       rest of the community. It might even be considered  
10      as kind of a model that other communities can look at  
11      and see.

12                  CHIEF STRAKA: I think we were one of the  
13      first. Marty would know. I think we served as a  
14      model, there certainly was very pointed discussion in  
15      your county.

16                  HON. LYTLE: Just a quick question, excuse  
17      me for coming in late. You might have covered this,  
18      but are you satisfied with the representation within  
19      your agency of minorities?

20                  CHIEF STRAKA: No, and we continually work  
21      forward to increase them. We have had some very  
22      positive results in that, in our academy class. I  
23      have six officers, a very small amount for our  
24      department. Fifty percent of them are minorities.  
25      We have had a significant increase in the number of

1 women officers in our department in the last three to  
2 five years.

3 Minority personnel, we actively seek them.  
4 We still do not reflect a total composition, but  
5 these are our priorities in the academies.

6 MR. CARL LINDSTROM: I have a question  
7 regarding gang activities in Santa Clara County. For  
8 example, there is a great concern with the growing  
9 number of so-called gangs that are in the area, and  
10 what that tends to mean -- I don't know what the  
11 definition of "gang" is, but I am just curious as to  
12 what kind of training you have with your officers  
13 toward that. The reason is anytime that more than  
14 two people, especially minorities, seem to congregate  
15 together, it is deemed to be some sort of gang-type  
16 activity.

17 CHIEF STRAKA: We've had gang training in  
18 our department. That's not our interpretation of  
19 what a gang is. Basically, we have to have evidence  
20 that the member is involved in criminal activities.  
21 We have to have evidence that while he was involved  
22 in that criminal activity, he was wearing either  
23 colors or indicators that he was a gang member, that  
24 his criminal activity was for the purpose of  
25 enhancing the image of his group or gang that he was

1       in, or that he was gaining status as a result of his  
2       act. Beyond that, we have the term "wannabees" which  
3       are folks that hang around. We are required to have  
4       at least two separate verifications that this  
5       individual is part of this group. That doesn't say  
6       he was necessarily a gang member. We have a long  
7       training process and evaluation before we say someone  
8       is a gang member.

9                  We do have some gangs in our community.  
10          We are not saying "Bloods" or "Crips," although we  
11          have seen one or two. But we do have some small  
12          groups that are under gang classification.

13                 MONSIGNOR BARRY: Thank you. Let me do  
14          two things. This is Carl Lindstrom, representing the  
15          Asian-Pacific Islander Committee on Justice, and  
16          also, Carl, we cannot get into the gang issue because  
17          that is not the focus of this hearing. And if we do,  
18          we'll destroy the entire day.

19                 MR. KASSOY: What do you regard as perhaps  
20          the biggest obstacle in the successful implementation  
21          of your program? And where would you want -- if you  
22          had a wish list, what would be the priority item that  
23          you would ask for to assist you in making that  
24          program more successful?

25                 CHIEF STRAKA: I think it is successful.

1 I would re-emphasize what I said at the beginning.  
2 Maybe it was successful in our community because we  
3 had an absolute need for it, and everything came  
4 together at the right time. But I think to make it  
5 successful, you have to have a training program that  
6 really gets to the need of the issue of how an  
7 incident like this effects a person who is a victim.

8 We were fortunate because we had some  
9 racial problems that were occurring. The United  
10 States Department of Justice came forward, and not  
11 only our community came forward, and not only was our  
12 cultural awareness training program put on by members  
13 of our own community who reflected their own  
14 experiences and were living there. And that was the  
15 preliminary program. It was eight hours for every  
16 employee of our department.

17 But secondarily, the Department of Justice  
18 brought in folks from all over the United States. A  
19 sergeant who supervised was in Boston, Massachusetts'  
20 Hate Crime Task Force. And we sent our managers to  
21 that training program, as well as managers from every  
22 agency in our county, and that brought it right to  
23 the need of the issue of managers. And so you then  
24 have to make sure that people are reviewing these  
25 types of incidents and making sure that the "T's" are

1           crossed and the "I's" are dotted, and that comes from  
2         the top of the administration.

3           Certainly, there are things that will  
4         enhance that, but it's like having a good garden.  
5         You have to keep re-weeding it.

6           MONSIGNOR BARRY: Thank you, Chief, thanks  
7         ever so much.

8           DR. HAZEL HAWKINS-RUSSELL: I have a  
9         question. I am Hazel Hawkins-Russell, Commissioner.  
10        Have you had a problem of young white hate groups in  
11        your community? If so, how do you deal with that  
12        kind of problem?

13          CHIEF STRAKA: Young white hate groups --  
14        yes, we have some. Five skinheads especially.  
15        They're a gang, some of them are a gang, and we  
16        monitor them just like we do other gangs. We've had  
17        some involving an incident of this nature, some were  
18        juveniles. We made personal contact with the  
19        juvenile probation officer, and I think they received  
20        a high priority in the system, also. One, I believe,  
21        went to the Youth Authority, and the other one went  
22        to the Ranch -- that's pretty severe in our county.

23          We deal with that in the same way we deal  
24        with any gang. When there is a racially motivated  
25        crime, they get the higher treatment.

1                   MONSIGNOR BARRY: Thank you, Chief. We do  
2 have -- we had planned to have Ms. Quarles here, who  
3 was a victim of a crime in San Leandro, and she is  
4 unable to come. We have two Contra Costa victims --  
5 Miss Taw and Miss Awl, and their attorney. We'd like  
6 to have them give a presentation at this point, so we  
7 can get some input from the victims.

8                   Miss Taw first, please.

9                   MS. ANNETTE TAW: Thank you. I want to  
10 take this opportunity to thank you for letting me  
11 speak before you. My name is Annette Taw, and I have  
12 lived in the Lafayette area for 20 years. I have  
13 three children, Kerry (phonetic), Lynette (phonetic),  
14 and Brent.

15                  My subject is the racial discrimination,  
16 the reaction from the school and the police  
17 department. Through the years in the school  
18 district, it's always been little petty things  
19 against the children. Lynette, during grammar  
20 school, was teased about being Chinese, having slanty  
21 eyes and her shoulders slanting forward. And Kerry  
22 was always teased that little Chinese don't grow any  
23 taller than that. And Brent wasn't picked for his  
24 sports because he wasn't tall enough.

25                  It was always little things. I felt

1 helpless of defending myself. I was always brought  
2 up not to look at people by color or their height or  
3 anything, just what they are inside. And my children  
4 were brought up the same way.

5 I have one other example of just another  
6 petty thing that the school reacted to. It was  
7 during Lynette's Senior Night. She was asked if she  
8 was on the proper bus, and she said, "Yes, I am."  
9 And the lady goes, "Are you sure you're not supposed  
10 to be on the bus that takes you back to China, where  
11 you came from?" And this is an adult.

12 I reported this incident to the Board of  
13 Education and the Superintendent. And he said,  
14 "Well, it won't happen again." But it did many years  
15 later. When Kerry was going through high school, she  
16 really didn't suffer as much as Lynette did because  
17 there was more of an Asian population in the  
18 Lafayette area.

19 I was a single parent and being that, I  
20 didn't have a fortune to buy computers for the  
21 school, or spend my time there. My children were  
22 usually not picked because we didn't have the money,  
23 or because we were the wrong color.

24 At the time I reported these incidents the  
25 school would say, "They are just children playing,

1       they are just teasing each other. They don't mean  
2       any harm." But it did. It made my kids realize that  
3       they weren't the same as their peers, yet they had  
4       been taught all of their lives that they are the  
5       same.

6                 Maybe it was my mistake of moving out of  
7       the San Francisco area where I was brought up, but I  
8       didn't feel we were different.

9                 Before Brent's nightmare started, we had  
10      little incidents even through the church. He was in  
11      Catholic school and because he was in the wrong place  
12      at the wrong time, and made his first friend at the  
13      school who happened to be Hispanic, who also happened  
14      to have a reputation of being a bad boy, but he was  
15      the only one who spoke to Brent because he was a  
16      minority.

17                 The nun even said, "Brent doesn't belong  
18      in this school because he's bad." That was only the  
19      first week and only because he was with a person with  
20      a bad reputation. He was not a bad boy, he had  
21      manners, he behaved very well in my home. I still  
22      felt I needed to do something, but I didn't know  
23      where to go because I was taught don't make waves, it  
24      will only make it worse.

25                 And I was also told I was outspoken for my

1 generation. Even in grammar school, Brent was always  
2 picked on, he was searched after school because  
3 someone said that he had fireworks. He happened to  
4 be going to a friend's house that day, so he had a  
5 little cap pistol and he did have firecrackers. The  
6 fireworks the teacher was talking about are the ones  
7 you buy for the Fourth of July. The ones that my son  
8 had were the old Chinese firecrackers that I've had  
9 for years. He was taking them to his friend's house  
10 because it was very different for him.

11 He was suspended from school for having  
12 firecrackers in his backpack, but no other backpack  
13 was searched but my son's. I told the principal, I  
14 said, "Why him?" And she said, "Because only you  
15 people have things like this, only you people sell  
16 firecrackers." I was thankful that that was my last  
17 one out of the grammar school. Starting with his  
18 suspension there, it just seemed like he was always  
19 in the wrong place at the wrong time, or with the  
20 wrong people.

21 And I've spoken with the principal saying,  
22 "No, you can't be this discriminating against one,  
23 when you have a school full of different  
24 nationalities." But to her it was "you people" that  
25 had firecrackers.

1           The Board of Education was not responsive  
2 at all. They said, "This is only one incident."  
3 This was not the first, but it was the first time I  
4 spoke out.

5           Getting to the incident that really  
6 brought me here, was in November of 1987. My son was  
7 attacked at school by this boy who confronted him on  
8 a CD that belonged to Brent, but was not returned to  
9 him from his girlfriend. He went to the Acalanes  
10 High School, used his car and hit Brent's car, and  
11 came out, took him out of the car and started  
12 slugging him. Brent, in order not to start anything  
13 more than it was, he took his sweater or something  
14 and covered up his head so the boy was swinging in  
15 the air.

16           He reported this to the police because he  
17 was not an Acalanes student. The principal said it  
18 was two boys fighting, but our car was damaged and  
19 Brent was hurt from the assault. So I was told if I  
20 wanted to press charges to wait a couple of days for  
21 the report.

22           I called for the report, and each time I  
23 called, it was not there. Four days later it was  
24 still not there. That Sunday night when everything  
25 happened, I received two phone calls about 11:00,

1 11:30 at night, asking me am I Brent Taw's mother,  
2 and is there where Brent Taw lives. And I said, "Who  
3 do you wish to speak to?" The dog started barking 15  
4 minutes after that phone call. I did not pay  
5 attention, thinking it was an animal. I did not pay  
6 attention to hearing the car door slam. I didn't pay  
7 attention to the noises I rarely hear because it's a  
8 private street.

9           The next morning I felt something was  
10 wrong. I said, "Please check the house outside." So  
11 my other half, Simon, did go out and he checked and  
12 we found red paint saying "Gook" all over the front  
13 yard. On my driveway it said, "Don't press charges  
14 or die." And on our brand new truck, "Gook" in red  
15 paint.

16           The thing that scared me the most was not  
17 that the family had been attacked, but the truck they  
18 happened to write the word "Gook" on belongs to  
19 Simon, who is a Vietnam Vet, who has come to still  
20 struggle with his Vietnam syndrome of knowing  
21 someone's calling him a "gook." I was more afraid of  
22 that than for my own children, and yet I was afraid  
23 to let my children out of sight, thinking someone's  
24 going to hurt them.

25           Later that day, I found out it was all

1 over the high school, it was all over Lafayette. The  
2 town's utility boxes -- we had our name "Taw" written  
3 all over. We had it on Jack In The Box -- it said,  
4 "No charges, or die Taw." It was on the gas stations  
5 that said, "Die Taw." Yet the police reaction was we  
6 can't prove who did it. There was only one person  
7 that was scared that charges would be pending on him,  
8 but they said I didn't see it, and I couldn't prove  
9 it, and I felt very helpless. But for once, I said I  
10 am going to do something because I don't want my  
11 children or grandchildren to ever go through this  
12 again.

13 I called the Asian law office and Michael  
14 Wong for my attorney. And I called Henry Dear  
15 (phonetic), from the Chinese Affirmative Action  
16 Board, asking what can I do. Without these two, I  
17 could not have gotten as far as I did, because the  
18 Acalanes School District said there was no racial  
19 discrimination, there was nothing wrong.

20 They had the graffiti painted over from  
21 the school even before we could get there to take  
22 pictures. I asked why and they said they didn't want  
23 to hurt the other children, they didn't want to upset  
24 their children. If they didn't want to upset the  
25 other children, then why was there no pictures.

1           Henry Dear and I spoke to the principal  
2 for many, many meetings, and finally I think it was  
3 about three or four months later he admitted there is  
4 some racial discrimination here, and the children  
5 need to be taught.

6           We spoke to the Lafayette Police, and all  
7 they did was harass Brent instead of following up on  
8 the leads of who that person may be. They kept an  
9 eye on him in school. They watched him wherever he  
10 drove. He got stopped for a bald tire. He got  
11 stopped for his little registration date being turned  
12 upside down. He was accused of stealing a fireman's  
13 wrench. He was accused of taking a \$2,000 bike. He  
14 was read his rights in front of my house and I was  
15 told that I need not be present.

16           I finally asked all the questions and it  
17 seemed like whatever Brent's answer, it was the  
18 answer to his question. With Henry Dear's help I  
19 found out Station Nine was in Hunter's Point in San  
20 Francisco. My son would not have survived in that  
21 community. He doesn't even know where it is, but  
22 he's not a street person. He hasn't been out of  
23 Lafayette all his life.

24           I think he though he was white until this  
25 happened. This has devastated our family. My son

1 did not finish school, and he is trying to find his  
2 way. I tried to tell him, "You are just as good as  
3 they are, or even better." We have our culture, we  
4 are just as good as anyone else is. This should not  
5 go on with anyone, whether we're white, yellow,  
6 purple or pink. But the police did not react to it,  
7 but I can tell you, if the shoe was on the other  
8 foot, my son would have been hung to the nearest  
9 tree.

10 I felt there was -- they were right behind  
11 him. They never left him alone. He was stopped from  
12 walking home from BART, saying that he had robbed  
13 this gas station because his tennis shoe had the same  
14 print that was found at the scene of the crime. I  
15 didn't, I don't know what anyone can do or what my  
16 reaction to the police department or the school  
17 district is. I am just thankful I have no other  
18 children to be attending the schools there, and I am  
19 thankful that my granddaughter is moving out of  
20 California.

21 But the police department, now that I've  
22 taken Brent's car away -- he's on foot. I felt he  
23 couldn't get into any more trouble, but the police  
24 department did not help me in the sense they could  
25 have. I still feel if the shoe was on the other

1 foot, it would have happened differently.

2 MONSIGNOR BARRY: This is Mrs. Awl.

3 MRS. DEBORAH AWL: My name is Deborah Awl,  
4 and in April of 1989 my husband and two daughters  
5 moved to Pittsburg, California. The first week we  
6 were there, we received racial harassment.

7 First, it started with the men calling,  
8 and we didn't think anything of it. And then it led  
9 to dogs chasing my daughter and myself, all types of  
10 verbal abuse. Excuse me.

11 MS. MERCADO: Lola, get her some water,  
12 please. Take your time.

13 MRS. AWL: Several things happened. I  
14 don't really want to go into them, into details, but  
15 I can tell you that this has really changed our  
16 lives, especially my daughter, who is six years old.

17 I don't allow her to go outside in front  
18 and play, and we've moved from that particular area  
19 from where we were living. We are still in the  
20 Pittsburg area now.

21 The other evening there was a knock at the  
22 door, a newspaper banged on the door and my daughter  
23 hit the floor. And the reason I am saying this is  
24 because one of the incidents that happened, the  
25 person who did this came to our door one day and

1       drove his truck across the lawn. And he backed up to  
2       the door threatening to kill us and from there on she  
3       has been afraid and we've all been afraid.

4           I don't know what can be done, but I pray  
5       that there is something that can be done so this  
6       won't happen to anyone else. I am really hurt  
7       because of the way I was raised, it was not to look  
8       at a person's skin color. You say, "Oh, I'm white,  
9       oh, I don't like you because you have slanted eyes,  
10      or because your eyes are blue." I take the person  
11      for what they are on the inside and I don't judge a  
12      book by its cover. And that is the way I am raising  
13      my two daughters.

14           Even though we have been through this, I  
15      still tell Victoria don't judge a book by its cover.  
16      And she has many questions, questions that I cannot  
17      answer -- some that I can. She is truly a fantastic  
18      child, she's very strong, but she also is emotionally  
19      disturbed by what has happened to us.

20           I'd like to thank the Pittsburg police  
21      though, for being so helpful to us. They responded  
22      quickly and they gave us support, and I'm thankful  
23      for that. Like I said, I don't want to go into  
24      details as to everything that has happened, just know  
25      that it was bad and I pray that no one else has to go

1 through this.

2 MONSIGNOR BARRY: Thank you for your  
3 courage to come forward and give us the testimony  
4 here. It's far more significant than may meet the  
5 eye. Thank you very much.

6 HON. LYTLE: Mrs. Awl, I can appreciate  
7 how painful it would be to go into detail in this  
8 setting. Would you be willing to put it into  
9 writing?

10 MRS. AWL'S ATTORNEY: We have filed a  
11 civil suit on behalf of Mr. and Mrs. Awl, and their  
12 daughter, by the way, against the two defendants who  
13 incidentally were brothers -- are brothers. I think  
14 that you've heard first from Mr. Waddell about  
15 certain things that can be done.

16 There is a third leg to the opportunity to  
17 address these wrongs, and that is to arrive at a  
18 civil suit. You might be interested to know that the  
19 civil suit not only involves the people that  
20 perpetrate, but anybody who incites this sort of act  
21 we have discussed this morning. In addition, the law  
22 provides that the plaintiff may recover attorney's  
23 fees from the defendant, may recover actual damages,  
24 may recover a civil penalty of \$10,000, and a form of  
25 punitive damages which is approximately three times

1 the amount of actual damages.

2           In this case, to show how tangential  
3 someone can be involved, the brother who is involved  
4 simply made a phone call to the landlord hoping to  
5 dissuade the landlord from renting to my clients, and  
6 in that call made certain racial threats.

7           Under 51.7 of the Civil Code, anybody who  
8 simply incites is liable to the same effect as  
9 somebody who actually does the acts that were  
10 perpetrated against the Awls, as well as other people  
11 you've heard this morning.

12          I want to assure the commission that there  
13 are opportunities for people to seek civil recourse  
14 in addition to getting some communitywide relief from  
15 the various other organizations, such as the District  
16 Attorney. And I want to thank you for the  
17 opportunity to speak this morning. If you have any  
18 questions, I'd be happy to address them.

19          MS. YU: Diane Yu, just wanted, couldn't  
20 resist saying that this commission is very pleased to  
21 hear that you are using the civil remedies put into  
22 the legislation. We are very pleased to see you in  
23 action.

24          MRS. AWL'S ATTORNEY: I must say in  
25 response that we are very pleased with the scope of

1       the legislation. It's given us good tools to work  
2       with, and I would say to anybody in the audience, or  
3       anyone who comes before the commission, you ought to  
4       be induced to seek that remedy. Another thing I  
5       think is important is I think that remedy would be  
6       educational once these defendants are brought into  
7       the civil process, which is much different from the  
8       criminal process.

9                 They're going to get an opportunity to  
10      have some reflection about what they have done, and  
11      what the effect is on the plaintiffs. After all,  
12      when you hit and run by -- in effect, by painting  
13      things on people's doors and cars, and leaving, you  
14      don't see the effect on them. You don't find out  
15      what the effect is. You know what the intent of the  
16      effect is, but you don't find out.

17                 If you sit down and confront these people  
18      in deposition or other areas, these defendants may  
19      very well become educated as well as having the  
20      recovery for your clients. So, I don't want to  
21      neglect the educational force that these laws, have in  
22      the proper light.

23                 MONSIGNOR BARRY: Thank you very much.

24                 HON. LYTLE: Following up on your point  
25      regarding education, both the Bar of this state and

1 the Judiciary of the state have continuing education  
2 programs, and it's been my experience that these are  
3 kind of low visibility laws right now. And I wonder  
4 how much effort is being put into educating the Bar  
5 and how much effort you think would be worthwhile in  
6 educating the Judiciary to the use of these laws?

7 MRS. AWL'S ATTORNEY: Well, first of all,  
8 I think the education must go to the Judiciary,  
9 because the Judiciary initiates these laws, decides  
10 what comes before that. I can't speak to the amount  
11 of incidents, the volume of incidents and to what  
12 degree they affect people, so I can't tell you  
13 whether this is something that should come to the  
14 lawyers as a whole, because this is a good  
15 opportunity.

16 We know that, my office has investigated  
17 or talked to people in some cases, although the  
18 incidents were perhaps racially motivated, they  
19 didn't rise to the level of successful prosecution.  
20 We feel, of course, otherwise in this case. I'm not  
21 sure that's a good answer to your question, perhaps I  
22 don't have a good answer.

23 MONSIGNOR BARRY: Thank you again, I  
24 appreciate it very much.

25 Next, I am very please that we have

1           Captain Randy Stout of the San Leandro Police  
2           Department.

3           CAPTAIN RANDY STOUT: I am Randy Stout of  
4           the San Leandro Police Department and I am pleased to  
5           be here this morning to present the City of San  
6           Leandro's response to the recent cross-burning  
7           incident that we had.

8           The Quarles family was the victim of the  
9           cross burning that occurred on September 23rd, a  
10          Saturday morning. I'll read a very brief synopsis of  
11          our city's response and entertain any questions that  
12          you may have.

13          Approximately two and one-half days after  
14          this crime occurred, our investigators had completed  
15          a preliminary investigation. Evidence was minimal  
16          and there were apparently no witnesses.

17          Mayor David Karp and the City Manager Dick  
18          Randall had been kept informed of the progress of our  
19          investigation. The Mayor proposed the offering of a  
20          reward to be presented by the City Council. This was  
21          encouraged and the San Leandro City Council passed a  
22          resolution announcing a \$5000 reward for information  
23          leading to the arrest and conviction of the  
24          perpetrators of this cross burning. The following  
25          day, at the urging of Supervisor Mary King, the

1 Alameda County Board of Supervisors offered a reward  
2 matching San Leandro's.

3 Meanwhile, our investigators were  
4 contacted by two citizens who had knowledge of the  
5 primary suspect. These were coworkers. These  
6 citizens then worked closely with our investigators,  
7 presenting sufficient evidence for an arrest warrant.

8 Subsequent to the suspect's arrest on  
9 Wednesday, September 27, the Mayor and the police  
10 chief conducted a press conference. Mayor Karp  
11 repeated his concern for the victims of this crime,  
12 who incidentally we had been in contact with  
13 frequently over the three days. He also reflected  
14 the outrage of the whole city of San Leandro.

15 Three other men were implicated in this  
16 case. They have been identified and contacted by our  
17 investigators. However, at this time, as of today,  
18 Friday, there is insufficient evidence for their  
19 arrest. The case remains open and the investigation  
20 continues. We have continued communicating with the  
21 victims.

22 From my perspective the timely arrest of  
23 the primary suspect in this case resulted from three  
24 factors. First, the allocation of sufficient police  
25 staff to the investigation -- that is the

1 prioritization of this case.

2                   Second, the full involvement of San  
3 Leandro's elected officials -- the ones I felt were  
4 important. And third, the widespread coverage given  
5 to this case by the media.

6                   Now in terms of legal police department  
7 recommendations for the commission's subsequent  
8 report here, I would say that there are two things  
9 that I think are very important from a patrol  
10 officer's perspective in this case. The first is  
11 updating legal training that would assist the  
12 officers in developing these types of cases,  
13 specifically, training and review of civil rights  
14 laws currently available. This is very important.  
15 This can be accomplished easily, at least in Alameda  
16 County, with a law enforcement legal update training  
17 video unit that's overseen and run by Don Ingraham of  
18 the Alameda County District Attorney's office.

19                  He produces a series of tapes that are  
20 seen on a weekly basis by all of our officers, and  
21 they are an excellent production. Additionally, a  
22 block of instructions on civil rights enforcement  
23 should be included in all academies.

24                  That's a brief synopsis of that case, and  
25 the city's response. I would be glad to answer any

1           questions.

2           MONSIGNOR BARRY: And you do have reports?

3           CAPT. STOUT: Yes, I do. Thank you.

4           MONSIGNOR BARRY: Thanks ever so much, and  
5           I think we'll take a little stretch now.

6           (A short recess was taken)

7           MONSIGNOR BARRY: We have one more victim,  
8           and that is Aga Saeed. Ms. Aga Saeed, please?

9           (No response)

10          Well, we'll go on now to the San Francisco  
11          Human Rights Commission, with Peter Jamero.

12          PETER JAMERO: Good morning, Monsignor  
13          Barry and members of the Commission. I am Peter  
14          Jamero, Executive Director of the San Francisco Human  
15          Rights Commission. I want to begin by thanking you  
16          for your invitation to speak to you on the issue of  
17          hate violence. We commend you for calling this  
18          public hearing. It is timely, it is relevant to the  
19          times in which we live in this great country of ours.

20          The San Francisco Human Rights Commission  
21          recently celebrated its 25th anniversary, making it  
22          one of the oldest human rights commissions in the  
23          State of California. When the commission was  
24          created, it's primary focus was on educating the  
25          public, defusing community tensions and studying

1       constitutional forms of discrimination,  
2       particularly, in education and employment. As the  
3       Commission matured, and analysis of the problems  
4       became more sophisticated, the work of the Commission  
5       shifted heavily toward employment development,  
6       particularly with companies who received public  
7       contracts and especially toward the development of  
8       minority and women business programs for the City of  
9       San Francisco.

10                  Our focus became so fixed on minority and  
11        women's business enterprise programs, that when a few  
12        years ago we saw the need for a vehicle to provide a  
13        response to growing incidents of dispute and violence  
14        between the various communities, we had to create a  
15        separate nonprofit organization, the Intergroup  
16        Clearinghouse.

17                  The Clearinghouse consists of  
18        representatives from San Francisco's many communities  
19        -- racial, ethnic, lesbian and gay, and religious  
20        communities -- who provided a forum for individuals  
21        and community organizations to discuss problems that  
22        had the potential to heighten intergroup tensions.  
23        At first, the Clearinghouse had a number of success  
24        stories, but over time and for a variety of reasons,  
25        primarily financial, the Clearinghouse was never able

1 to fully achieve its potential to respond to the  
2 changing nature of hate violence.

3           While the Human Rights Commission may not  
4 have devoted as much time or resources to the matter  
5 of hate violence in recent years, certainly problems  
6 in the City did not stand still. A number of  
7 community-based organizations arose out of the  
8 increase in criminal and noncriminal acts against  
9 persons, based on racial, ethnic, religious, or  
10 sexual minorities. For example, the Community United  
11 Against Violence was formed to respond to attacks on  
12 members of the gay and lesbian community which often  
13 were ignored or dismissed outright by the community  
14 at large.

15           As the number of attacks -- both verbal  
16 and physical -- on Asians increased in recent years,  
17 the Break the Silence Coalition against anti-Asian  
18 violence was formed to provide information to the  
19 public, assistance to victims and to develop a  
20 community-based response.

21           The example set by the Anti-Defamation  
22 League in the Jewish community also cannot be  
23 ignored, because much of the territory of the  
24 minorities we're going over today has been previously  
25 and effectively charted out by that organization over

1       the years.

2                 Also deserving of notice is the work of  
3       the Community Services Division of the San Francisco  
4       Police Department, which developed the procedure for  
5       responding to hate-motivated crimes, and was able to  
6       persuade the Chief and the Police Commission to  
7       implement that procedure along with training for all  
8       of the officers, plus reporting and data collection  
9       requirements.

10               However, even as the City responded to the  
11       problem, or perhaps because of that response, the  
12       number of such incidents and attacks seemed to  
13       increase. Perhaps it was a result of greater  
14       awareness or perhaps the result of greater  
15       integration and interaction among peoples. Whatever,  
16       there was an acknowledgement that prejudice-based  
17       incidents were increasing and were directed at the  
18       City's many diverse minorities including blacks,  
19       Arabs, Asians, Jews, Latinos, women, Native  
20       Americans, lesbians, the elderly, the disabled, gay  
21       men, Moslems and persons with AIDS.

22               My appearance before you today is  
23       particularly timely, timely because as a result of  
24       the increased awareness of the extent of the problem  
25       in San Francisco of hate-motivated violence and its

1 impact on the emotional and psychological well-being  
2 of the individual, the family and the community.

3 Mayor Art Agnos and the Board of  
4 Supervisors has asked that the Human Rights  
5 Commission hold public hearings on the extent and  
6 degree of the problem of hate violence in San  
7 Francisco, and that we further use such hearings to  
8 design and develop a comprehensive plan of response  
9 involving both the government and the community.

10 Because we understand how important the  
11 community is to any kind of an effective response, we  
12 have decided that the hearings should be jointly  
13 sponsored by the Human Rights Commission and the  
14 Coalition for Civil Rights, an organization  
15 consisting of a variety of community-based civil  
16 rights organizations, including the NAACP, the Break  
17 the Silence Coalition, the Community United Against  
18 Violence, National Gay Rights Advocates, and many  
19 others.

20 Because we can see how extensive and  
21 serious and complex this problem is, we have  
22 committed to holding hearings over two days, covering  
23 at least eight hours. And because we acknowledge  
24 that others, in California and throughout the  
25 country, have tried to deal with this problem in

1       their own way, we are looking at and drawing from a  
2       variety of existing models in putting together our  
3       plan.

4               We do know that our plan must contain the  
5       following elements:

6               First, and foremost, a centralized system  
7       for data collection that will insure that all such  
8       incidents are recorded and analyzed so that  
9       responsive programs can be developed.

10              Secondly, a uniform, simple, reliable and  
11       effective reporting system which is able to give  
12       confidence to the victims and to provide a framework  
13       for a suitable response.

14              Third, the committed involvement of the  
15       police department in sensitively responding to all  
16       hate-motivated incidents as a visible signal to the  
17       victim, and the community at large, which sends the  
18       clear message that the City has assigned this problem  
19       the highest priority.

20              Fourth, the on-going involvement of the  
21       school system, from preschool to efforts in the  
22       classroom and in the extracurricular activities.  
23       This involvement must occur not only through the  
24       curriculum, but through the creation of models for  
25       resolving disputes within the academic community.

1               Five, The drawing of the communities by  
2 being involved in the planning, designing and  
3 implementation of the comprehensive program. Hate  
4 violence is ultimately a community-based problems and  
5 solutions will only be effective to the extent that  
6 they have the commitment of the community, whether  
7 that is in providing assistance to the victims and  
8 their families, or participating in alternative  
9 resolution vehicles, such as neighborhood meetings or  
10 community boards.

11              We do not believe that creating such a  
12 system will be easy. In addition to the constant  
13 problem of adequate resources, we are faced with the  
14 difficulty of drawing together and coordinating the  
15 efforts of very disparate elements, and also imposing  
16 a new system to allow structure. Fortunately, we  
17 will be able to draw on the experience of our friends  
18 throughout the country, including Boston, Baltimore  
19 and New York, and of similar models which exist for  
20 other problems in California, such as child abuse or  
21 the sexual assault of women.

22              Whatever the cost, the City of San  
23 Francisco is committed to meeting this challenge  
24 because we recognize that the future is indeed upon  
25 us, and it is a multicultural, multiethnic, multi-

1 faceted future. And if we are to provide ourselves  
2 and our children with a society that is healthy and  
3 secure and values the richness of a diverse  
4 community, we must begin immediately.

5 Thank you for your kind attention.

6 MONSIGNOR BARRY: Thank you.

7 MS. CASTRO: I have a question. My name  
8 is Irma Castro, and I have a couple of questions for  
9 you. One, is there an organization in San Francisco  
10 which particularly focuses on violence against  
11 Latinos, and does data collection?

12 MR. JAMERO: Offhand, I can't think of  
13 any. I know in the audience there are a number of  
14 other folks from San Francisco, members of that  
15 community obviously are included in many of the  
16 organizations they are working in.

17 MS. MERCADO: Irma, let me mention that  
18 there is a coalition for immigrant rights which  
19 includes Latino groups.

20 MS. CASTRO: Thank you.

21 MONSIGNOR BARRY: Thank you. Let us know  
22 the results of your hearing.

23 MR. JAMERO: Our public hearing is in  
24 November, and we'll have more publicity on that, and  
25 I do hope to see some of your faces there.

1                   MONSIGNOR BARRY: Next we have from the  
2 Novato Unified School District, Kerry Mazzoni.

3                   MS. KERRY MAZZONI: Monsignor Barry, and  
4 members of the Commission, my name is Kerry Mazzoni,  
5 and I'm with the Novato Unified School District. The  
6 correct spelling of my name is K-e-r-r-y.

7                   Novato is a middle class, suburban  
8 community of approximately 50,000 residents located  
9 in Marin County, 25 miles north of San Francisco.  
10 The Novato Unified School District has eight  
11 elementary schools, two middle schools, two high  
12 schools, one continuation high school, one  
13 independent study K-12 school, and an enrollment of  
14 close to 8,000 students. Of the students, 86.08  
15 percent are Caucasian, 2.94 percent are black, 4.36  
16 percent are Latino, 3.22 percent are Asian, and .09  
17 percent are Native American.

18                  The District has over 900 employees of  
19 which 92.79 percent are Caucasian, 1.76 percent are  
20 Black, 2.08 percent are Latino, 2.3 percent are  
21 Asian, and .77 percent are Native American. A  
22 continuing goal of the District is to increase the  
23 ethnic and racial representation of its employees.

24                  To accomplish this, certificated and  
25 management vacancies are advertised and posted in a

1       number of newspapers, journals, agencies, etcetera.  
2       District administrators make it known at conferences,  
3       professional meetings, and social gatherings that  
4       Novato is actively recruiting nonwhite applicants.  
5       Districts initiating layoffs are contacted as well as  
6       colleges and universities. Personal contact is made  
7       with potential applicants who are encouraged to  
8       apply.

9                  The Novato Unified School District has had  
10      a longstanding commitment to teach students respect  
11      and tolerance for racial and ethnic diversity. Ways  
12      in which the district has addressed this commitment  
13      include the "Green Circle," a program which deals  
14      with differences between people such as race and  
15      handicap; holiday celebrations which explore multi-  
16      cultural expressions; the teaching of critical  
17      thinking skills, which foster broader acceptance of  
18      individual differences; a Global Education team,  
19      comprised of at least one representative from each  
20      school that meets monthly to discuss issues such as  
21      conflict and conflict resolution; attendance by  
22      teachers at workshops such as those sponsored by the  
23      Anti-Defamation League; problem-solving skills taught  
24      through cooperative learning strategies; a Board  
25      policy on multi-cultural education; and, finally, the

1 district's long-range education plan for all schools  
2 that strengthens commitment to the student outcome of  
3 human interaction.

4           Despite these efforts, there still seems  
5 to be a critical need to do more. Over the past two  
6 years, the number of complaints regarding racial  
7 harassment seems to have increased. Although we have  
8 no hard data to substantiate this, nor do we have  
9 data to determine how pervasive a problem this is for  
10 the Novato Unified School District, we do know of  
11 parent complaints to administrators, principals, and  
12 teachers; accident reports, and alleged incidents  
13 reported in requests for transfer to other schools.  
14 Incidents of insensitivity and intolerance, including  
15 racial and ethnic slurs, have been reported.

16           For example, the practice of "slave day"  
17 at the high schools and the publishing in school  
18 newspapers of articles that contain negative ethnic  
19 stereotyping. To address these specific examples,  
20 the district's Affirmative Action Committee has sent  
21 letters to the schools and people involved,  
22 requesting their cooperation in changing those  
23 practices.

24           Teachers have also reported an increase in  
25 racial and sexist graffiti at school sites and that

1       their professional training has not included  
2       strategies for dealing with incidents of intolerance  
3       among students. Consequently, problems have been  
4       ignored rather than dealt with effectively.

5                  Finally, the level of administrator  
6       training in this area is unknown. Although racism  
7       most certainly exists in Novato, outside of some  
8       isolated incidents, the Novato Unified School  
9       District has never considered racism a problem with  
10      the exception of a time about ten years ago when  
11      incidents of racial harassment in the community and  
12      in the schools were reported.

13                 Because of these incidents, a group of  
14      black parents formed an organization to support  
15      scholarship and improve the educational experience of  
16      their children. This organization has remained a  
17      viable parent group ever since. Their concerns were  
18      taken seriously and general improvement was seen over  
19      the years.

20                Present concerns regarding growing racism  
21      in the school were brought to the Board of Trustees  
22      in November, 1988, when parents requested a program  
23      to counsel students who had experienced racial slurs  
24      and discrimination. The Board referred the issue to  
25      staff and the district's Affirmative Action

1                   Committee.

2                   As a result of that action, these parents  
3                  became a member of the Affirmative Action Committee  
4                  and a program designed to help children deal with  
5                  differences was implemented at one elementary school.  
6                  That program failed for a variety of reasons. First  
7                  the local newspaper, in attendance at the November  
8                  Board meeting where parental concerns were discussed,  
9                  released an article which put the school in an  
10                 unfavorable light. This occurred prior to any  
11                 opportunity the district or the local school site had  
12                 to thoroughly address the problem.

13                 As a result, there was a negative impact  
14                 on the school. The teachers felt defensive that  
15                 accusations of racism had been levied against them  
16                 and they did not feel involved in any problem-solving  
17                 process. To compound an already difficult situation,  
18                 the trainers of the program did not deal with this  
19                 defensiveness and therefore, had little "buy-in" by  
20                 those who were the most important element for the  
21                 successful implementation of the program, the  
22                 teachers.

23                 I wish to emphasize this point and stress  
24                 the importance of the community and the site attitude  
25                 in the implementation of a successful program. I

1 also want to stress the very important role that the  
2 media plays in effecting attitudes and resolution of  
3 such problems.

4                 Unfortunately, the issue of racism in  
5 Novato schools was still not adequately addressed.  
6 The Concerned Parents Association met with the  
7 Superintendent, and they came to the Board in May,  
8 1989. The Board responded in much the same way as  
9 they had before, commenting on the unacceptability of  
10 racial harassment in the schools, and again referred  
11 the issue to staff and the Affirmative Action  
12 Committee.

13                 Concurrently, a group of Latino parents  
14 whose children were the subject of racial harassment,  
15 had organized a meeting for parents. Out of that  
16 meeting, three concerns were expressed. First, a  
17 need for principals to be trained in dealing with  
18 incidents of racial harassment. Second, some of the  
19 content of the instructional program seem to  
20 perpetuate stereotypical attitudes as they relate to  
21 cultural diversity; and third, a uniform discipline  
22 policy was needed. In an effort to make their  
23 concerns heard, a coalition of black, Asian and  
24 Latino parents was formed.

25                 Aware of this coalition, two board members

1       decided to take a proactive role in addressing what  
2       seemed to be a growing problem. A discussion item on  
3       approaches to help staff and students deal more  
4       effectively with the diversity of Novato students was  
5       placed on the Board agenda.

6                 As a result of this discussion, the Board  
7       moved a number of specific items. One, the Board  
8       would adopt a discipline policy which would make  
9       clear that the Novato Unified School District would  
10      not tolerate racial or ethnic slurs or verbal attacks  
11      based on mental or physical handicap, and which would  
12      outline uniform consequences for violation of the  
13      policy.

14               Two, a staff development program for  
15      principals and managers, because they are the leaders  
16      in promoting a positive climate on school sites,  
17      would be initiated in the fall of 1989.

18               Three, the Board would state a strong  
19      commitment to multi-cultural education through  
20      implementation of the new English Language Arts and  
21      Social Studies curricula.

22               Four, the Board, through its budget  
23      process, would allocate additional funds to the human  
24      interaction component of the district's long-range  
25      educational plan, and to the district's Affirmative

1 Action Committee.

2               Five, because the Affirmative Action  
3 Committee had multiple goals other than promoting  
4 human awareness activities, a task force would be  
5 appointed by the Board with the single goal of  
6 recommending a broad program to help staff and  
7 students deal more effectively with the diversity of  
8 students in the district. Recommended members of the  
9 task force would be the Assistant Superintendents,  
10 the Affirmative Action Officer, representatives from  
11 the teachers' union, the classified union,  
12 supervisors, principals, the Affirmative Action  
13 Committee, the instruction division, parents  
14 representing the major ethnic groups enrolled in  
15 Novato schools, and an outside expert in the field.

16               Six, the Board would adopt a specific  
17 complaint procedure to be followed in cases of  
18 alleged discrimination as well as a procedure for  
19 documenting such incidents.

20               The Board also, in response to  
21 recommendations from the Affirmative Action  
22 Committee, allocated additional funds for the  
23 recruitment of minority teachers to meet the  
24 district's goals of affirmative action.

25               Other recommendations from the Affirmative

1 Action Committee have also been implemented. These  
2 include the elimination of the ethnic code from  
3 student locator cards at the secondary schools,  
4 revision of the Black History section of the Holiday  
5 Handbook, and inclusion of a representative of the  
6 Affirmative Action Committee on district textbook  
7 selection and curriculum committees.

8 Dealing with the issues of racism has  
9 become a priority of the Novato Unified School  
10 District. Recently, a number of teachers attended  
11 the Title IV conference on Equity and Achievement of  
12 the New Student Majority, and more will attend the  
13 same conference in the spring.

14 The district is also working closely with  
15 the Marin County Human Rights Resource Center and  
16 serving on its committees. We have embarked on a  
17 process which we hope will eliminate racism in our  
18 schools, and I hope that this testimony helps your  
19 assessment of the nature and incidents of hate  
20 violence and how schools are working to address this  
21 problem.

22 MONSIGNOR BARRY: The next presentation we  
23 have is from the Mount Diablo Unified School  
24 District. We have Myra Redick.

25 MYRA REDICK: Much of what I am going to

1 share with you is reflective of what is occurring in  
2 the Novato Unified School District, although we are  
3 the Mount Diablo Unified School District, which is a  
4 suburban district which covers 150 square miles and  
5 encompasses parts, or all of five cities as well as  
6 unincorporated areas.

7               Fifteen years ago the population was 92  
8 percent white, and it is now 79 percent white. Our  
9 students speak 52 languages with the greatest number  
10 speaking Spanish, Vietnamese, Tagalog and Farsi.

11              We are committed to addressing the issues  
12 of discrimination and to reducing incidents of hate  
13 and violence through education, communication and a  
14 partnership between the schools, law enforcement and  
15 the community.

16              For the past year I have been a member of  
17 the Contra Costa County Hate/Violence Task Force. As  
18 the chairperson of the education subcommittee, I have  
19 met with representatives of five districts in the  
20 county to explore the role of the school in this  
21 effort.

22              We have determined that state frameworks  
23 and district courses of study contain clear  
24 objectives related to this issue. We propose that  
25 all districts need to emphasize these objectives and

1 require teachers to give a high priority to  
2 addressing lessons related to the unlearning of  
3 prejudice and appreciating diversity.

4 As a committee we have examined the state  
5 frameworks for History-Social Science, English-  
6 Language Arts, and Visual and Performing Arts. We  
7 have identified the goals which are related directly  
8 to promoting an appreciation of cultural diversity.

9 In addition to the formal curricula  
10 presented in the classroom, schools deal on a daily  
11 basis with the "living curricula" -- the incidents  
12 that occur on the school grounds and in the  
13 corridors. Administrators and teachers need training  
14 in recognizing and dealing with incidents of hate  
15 violence or those which can lead to violence.

16 In Mt. Diablo we are focusing on staff  
17 development related to both teaching about diversity  
18 in a sensitive manner, and dealing with issues  
19 related to prejudice.

20 In our district we have a Conflict  
21 Management program in each high school and most  
22 middle schools. This has been very effective in  
23 reducing tensions and fighting.

24 We are fortunate to have an unusual  
25 working relationship with the Concord Police

1 Department. The response protocol we have developed  
2 establishes a different reaction from the officers  
3 when we identify an incident on campus to be race  
4 related.

5 We are also fortunate to have the advice  
6 of certain representative groups in our community who  
7 make us aware of the needs of minority students and  
8 of problems they identify. For example, some parents  
9 felt that schools had policies related to fighting,  
10 but fail to react to the racial slur which may have  
11 provoked a student to fight. We will put in policy  
12 and publish in all student handbooks the premise that  
13 we consider a racial slur to be assaultive behavior  
14 and a suspendable offense.

15 During the next year, we will be focusing  
16 on increasing communication between the community and  
17 the schools, and to increasing our skills in dealing  
18 with sensitive issues.

19 MONSIGNOR BARRY: Thank you very much. We  
20 have one more presentation now. We have Robin Wu  
21 from the Chinese for Affirmative Action.

22 ROBIN WU: In order not to be repetitive  
23 in view of lunch coming up, I will be very brief. My  
24 name is Robin Wu, and I am with the Chinese for  
25 Affirmative Action.

1           Chinese for Affirmative Action is located  
2       in San Francisco's Chinatown and has been serving the  
3       Asian community for 20 years. One of our goals as a  
4       civil rights advocacy organization, is to monitor  
5       incidents of anti-Asian violence, and members of the  
6       public contact us if they have been a victim of, or  
7       witnessed such an incident.

8           The tremendous demographic changes  
9       experienced by our state during the past decade have  
10      made people more aware of the Asian community, but  
11      have also created an increased level of anti-Asian  
12      sentiment.

13          I would like to mention two relatively  
14      well-publicized incidents of anti-Asian violence that  
15      have occurred since the beginning of this year. On  
16      January 17, 1989, Patrick Purdy shot 35  
17      schoolchildren and a teacher at Cleveland Elementary  
18      School in Stockton. Five of the children died. The  
19      investigation of this assault, initiated by the  
20      Attorney General, revealed that Purdy targeted all  
21      minorities for his problems and singled out the  
22      Southeast Asian community in Stockton.

23          Just last month, an article appeared in  
24      the College of San Mateo's weekly student paper  
25      entitled, "Who Do You Hate?" The article begins as

1 follows:

2 "I never used to think of them as a  
3 minority. But I do now. I never used to  
4 hate them. But I do now. The group of  
5 people I'm talking about are Asians."

6 The editor of the student newspaper  
7 defended her decision to publish the article by  
8 deferring to freedom of speech and said she would  
9 publish anything submitted to her.

10 We applaud the Attorney General's  
11 Commission for the recommendations it made in 1986  
12 which included amendment of the Ralph Act and the  
13 establishment of the Bane Act. But these laws will  
14 only be effective if they are fully implemented and  
15 carried out.

16 The Attorney General needs to take the  
17 lead in encouraging educational institutions to fight  
18 against hate violence by developing human relations  
19 and ethnic studies curricula. The Attorney General  
20 should facilitate a dialogue between schools and law  
21 enforcement agencies to develop crime prevention  
22 programs in our communities.

23 It is imperative that there be a state  
24 agenda to combat hate violence and a comprehensive  
25 strategy on the part of state government with which

1 to address this agenda. In order for such a strategy  
2 to be effective, the government and community  
3 organizations must make a commitment to working  
4 closely together.

5 We look forward to seeing the Commission  
6 take a leadership role in this endeavor. Thank you.

7 MONSIGNOR BARRY: Thank you very much. We  
8 will have a lunch break now. We will gather again at  
9 1:30 here.

10 (A lunch recess was taken)

11 MONSIGNOR BARRY: We are now back from  
12 lunch and the first speaker we have this afternoon is  
13 from the Asian Law Caucus, and it is Dennis Hayashi.

14 DENNIS HAYASHI: I have a short prepared  
15 statement this afternoon. Commissioners, my name is  
16 Dennis Hayashi, and I am an attorney with the Asian  
17 Law Caucus, Inc., a nonprofit law office established  
18 in 1972 which represents the low-income Asian  
19 community, especially in matters of civil rights.

20 I am here to discuss an incident which  
21 occurred not here in California, but in Raleigh,  
22 North Carolina. This past July, Ming Hai Loo, also  
23 known as Jim Loo, was murdered by two white  
24 individuals in a racially motivated attack.

25 The response of the government authorities

1 and community carries potential lessons for  
2 California as it continues to wrestle with the issue  
3 of responding to ethnic violence.

4           On July 29, Jim Loo, a 24-year-old student  
5 at North Carolina State University, and five of his  
6 friends were inside a local pool hall playing a game  
7 when two brothers, Robert and Lloyd Piche, approached  
8 them and began to harass them. They called them  
9 "stupid gooks" and told them that they were  
10 responsible for their brothers not returning from  
11 Vietnam.

12           When ordered to leave by the pool hall  
13 managers, the Piches told Loo and his friends that  
14 they would be waiting outside, saying, "We are going  
15 to finish you."

16           As Jim and his friends were leaving the  
17 pool hall, the Piches were outside waiting. Robert  
18 Piche went to his truck and pulled out a shotgun. He  
19 apparently attempted to fire it at Jim Loo, but the  
20 gun jammed. Lloyd Piche then grabbed one of Loo's  
21 friends, and held him against the trunk as Robert  
22 Piche swung the shotgun at his head.

23           The young man ducked, and got away.  
24 Robert Piche chased him with the gun, and then ran  
25 back to the parking lot where Loo and another friend

1       were standing. Grabbing a pistol from the truck,  
2       Robert Piche swung it at the two men, striking Jim  
3       Loo in the back of the head. Jim Loo pitched  
4       forward, hitting his head on a beer bottle which  
5       shattered his eye socket. Broken bone fragments were  
6       driven into his brain, killing him.

7                  In the wake of this incident, the Asian  
8       community in Raleigh was confronted with the first  
9       reported incident of an anti-Asian killing. The  
10      Asian community there, however, is very small,  
11      consisting primarily of immigrant professionals and  
12      scientists.

13                 As I was told by a Raleigh native, Raleigh  
14      is 80 percent white, 20 percent black, and Asians  
15      don't register even one percent. As such, the local  
16      community was understandably hesitant to be vocal.  
17      Their reluctance was also due in part to the fact  
18      that last June flyers appeared on telephone poles in  
19      Raleigh that read, "Keep America American" and  
20      portrayed Japan as the "Silent Invader." The  
21      handbills urged "We the People" to stop the influx of  
22      foreign invaders. When these flyers appeared,  
23      Raleigh authorities did nothing to stop them nor  
24      determine who was behind it.

25                 Thus, when Jim Loo was murdered, the local

1       community waited to see what the county prosecutor's  
2       response would be. They were forced to begin  
3       organizing when the Piche brothers were first charged  
4       with only misdemeanors or disorderly conduct related  
5       to their assault on Jim Loo's friend. They were also  
6       outraged by statements from the District Attorney's  
7       office that the killing of Loo was an isolated  
8       incident, not a reflection of anti-Asian sentiment in  
9       Raleigh.

10           Calling for justice, the Jim Loo American  
11          Justice Coalition was formed, and pressed the D. A.  
12          for a murder indictment for the killings. They also  
13          called for an investigation by the Federal government  
14          of civil rights violations. They were joined by the  
15          Inter-Faith Religious Council, and other civil rights  
16          organizations in calling for a thorough investigation  
17          and prosecution of the cases.

18           In August, Robert Piche was indicted for  
19          second degree murder by a grand jury. The D. A. did  
20          not seek a first degree indictment based on a lack of  
21          evidence, yet when I was in Raleigh, radio talk show  
22          hosts received calls from witnesses to the killing  
23          who said they had information to provide, but had not  
24          been encouraged to do so by the DA's investigators.

25           Additionally, the prosecutor continues to

1 downplay the racial aspect of the case. But as  
2 Christiana Davis-McCoy, executive director for North  
3 Carolinians Against Racist and Religious Violence  
4 stated, Loo's killing should be seen as unique only  
5 because it is the first known incident.

6 "Plenty of people share the sentiment of  
7 the Piche brothers, but they don't act on  
8 it in the same way. They say the "Chinks"  
9 and "Japs" are getting an easier way to  
10 go, because they have access to  
11 resources."

12 Meanwhile, Robert Piche, who awaits trial,  
13 has characterized the incident as a barroom brawl.

14 What lessons can we draw from what has  
15 occurred in Raleigh? First, county and state  
16 authorities should not whitewash these types of  
17 incidents as "isolated." I believe that the actions  
18 of the Piche brothers are the result of an atmosphere  
19 conducive to acts of racial violence. These  
20 incidents must be placed in their proper context by  
21 those in charge of investigating and prosecuting  
22 them.

23 Second, government authorities and local  
24 commissions must be supportive of communities which  
25 are the targets of racism. Local human rights

1       commissions, for example, must respond promptly to  
2       things such as the flyers posted in Raleigh and  
3       recommend courses of action to handle such situation  
4       before violence erupts.

5               Finally, strong penalties for racial  
6       violence such as those provided in the Ralph Act are  
7       important, but equally important is education of the  
8       wider public about how these laws can be used. Only  
9       with effective legal tools can victims of racial  
10      hatred in minority communities attempt to  
11      meaningfully respond.

12              Thank you. This is the end of my  
13       presentation, but I would like also to bring to the  
14       Commission's attention another case that our office  
15       is currently involved in.

16              Last week we filed a lawsuit in Federal  
17       District Court, which is attempting to enjoin the  
18       United States Coast Guard for discriminatory  
19       enforcing a 200-year-old statute which would  
20       effectively prevent Vietnamese fishermen from plying  
21       the waters of California.

22              The rationale of the Coast Guard is that  
23       they're just enforcing a law, but it so happens that  
24       since the beginning of the year they've enforced it  
25       only against Vietnamese. I'm not raising this

1       incident to discuss the legal merits of that case,  
2       but I wanted to comment that since that case has been  
3       filed, we were told by other reporters that there  
4       appears to be sentiment among non-Vietnamese  
5       fishermen in this area, and if the Coast Guard  
6       doesn't take care of matters, they will.

7                  And this past week I, myself, in my office  
8       have received correspondence tending to indicate that  
9       there is deep racist sentiment bubbling just below  
10      the surface of this issue. And I would encourage the  
11      Commission to actively monitor the case as it goes  
12      along in order to prevent potential incidents from  
13      occurring around it. Thank you very much.

14                  MONSIGNOR BARRY: Thank you. Any  
15      questions?

16                  MS. YU: One question. In terms of  
17      monitoring these cases, we're not always able to do  
18      that ourselves. Is there some way you'd be willing  
19      to let us know how things are going since you are  
20      actually prosecuting these cases?

21                  MR. HAYASHI: Sure, I think that in  
22      conjunction with other organizations in the area,  
23      we're concerned about incidents of anti-Asian  
24      violence and hatred, that we are indeed willing to  
25      provide whatever documentation is necessary at any

1 time for the State Commission to keep fully informed.

2 MS. YU: Because one of the subcommittees  
3 is the litigation, it would help us and the staff to  
4 be apprised as these pieces are brought forward.

5 MR. HAYASHI: Sure.

6 MONSIGNOR BARRY: Thank you very much. We  
7 appreciate it.

8 I think we have Lester Olmstead-Rose next  
9 from Community United Against Violence.

10 LESTER OLMSTEAD-ROSE: Thank you. I am  
11 Lester Olmstead-Rose, and I am from the Community  
12 United Against Violence.

13 Community United Against Violence is a  
14 ten-year-old agency and we work primarily on the  
15 issue of violence against lesbians and gays, and our  
16 particular interest in this hate violence against  
17 lesbians and gays since it is such a prevalent  
18 problem. What the good news of -- what I have to say  
19 today is that with the Governor signing SB 202, which  
20 is the California Hate Crimes Statistic Bill, which  
21 he signed about a week or two ago, California now has  
22 a full complement of what I call preliminary, or the  
23 basic hate crime laws on its books, which I think we  
24 can be very proud of.

25 We are the third state in the national

1 after Oregon and Minnesota to have this full  
2 complement of these laws. They include enhanced  
3 penalties for hate violence, they include civil  
4 remedies for hate violence, in addition to the  
5 regular criminal penalties, and they include  
6 statistics collection.

7 However, I want to run down a couple  
8 statistics really briefly so we don't get too  
9 complacent and we can be reminded that there's a very  
10 serious problem out there in the area of hate  
11 violence against lesbians and gays. Community United  
12 Against Violence has seen every year since 1985, we  
13 receive about 200 to 250 reports of hate violence  
14 against lesbians and gays. That's primarily in San  
15 Francisco. This year we're doing a better job of  
16 collection and I can guarantee the number will be  
17 even higher, but because we're keeping better track.

18 In California, the National Lesbian and  
19 Gay Task Force reported 561 anti-gay incidents in  
20 California in 1988, including 317 physical assaults.  
21 Just so that you know in terms of reported numbers  
22 nationwide, California had more assaults than any  
23 other state, and San Francisco reported more such  
24 assaults than any other city.

25 Really briefly I want to talk about why we

1 are seeing more in California and San Francisco where  
2 we're supposedly more tolerant and relatively open to  
3 diversity. Partly because we have better reporting  
4 here, and I want to give a couple of Kudos to CUAV,  
5 who is kind of a model for what we need to begin to  
6 see and I will talk about it a little later, but in  
7 CUAV we have a community-based organization with good  
8 ties and good representation to the effective  
9 community.

10 The people who are targeted for hate  
11 violence, it's very important that when we look at  
12 what we can do in California for hate violence that  
13 other groups like that be encouraged and set up  
14 around the state in different counties, in different  
15 cities. For example, Break the Silence Coalition  
16 against anti-Asian violence has been started in the  
17 last four or five years, and they are active in San  
18 Francisco, and are beginning in the Bay Area, and are  
19 beginning to develop that kind of model. And it's  
20 really important that we encourage that, that helps  
21 us get better statistics and helps us respond better  
22 to the problem.

23 One more statistic, the San Francisco  
24 Examiner did a series called "Gay in America" last  
25 June, which many of you may have seen or heard about.

1 They did a nationwide survey. In their survey they  
2 found that 6.2 percent of all people nationwide  
3 identify themselves over the phone to a stranger as  
4 lesbian, gay or bisexual. Of those people, 7 percent  
5 said they had been assaulted in the past year in  
6 anti-gay incidents. We take those statistics and  
7 apply them directly to California and we are talking  
8 about over 100,000 hate assaults against lesbians and  
9 gays every year in this state. It's a huge problem.

10 What the statistics make clear is that  
11 although California may have these preliminary laws,  
12 there is a whole lot more we need to be doing. And I  
13 think the focus that we need to look at now that we  
14 have the preliminary laws is really look at the  
15 bigotry and look at the prejudice which results in  
16 hate incidents and we need to somehow respond to  
17 those areas.

18 Some suggestions around that -- I think we  
19 need pilot programs in the schools and I heard other  
20 people talk to you about this today, pilot programs  
21 in the schools which are both designed to teach  
22 tolerance for all groups which are subjected to  
23 bigotry, and also to restore lesbians, gays, blacks,  
24 women, Latinos, Asians and all the other groups -- we  
25 need to be restored to the history books, to the

1 literature classes, to science curriculums. We need  
2 to be put back into our history, to our culture where  
3 we've been written out.

4 So the schools really need to begin to  
5 look at programs and curriculums to make sure that  
6 issues of tolerance and appreciation for diversity is  
7 included in what they teach.

8 We need more community-based  
9 organizations, as I referred to earlier, and these  
10 organizations need to both help victims of hate  
11 violence and provide counseling referrals, resources,  
12 advocacy, also they need to provide safety and  
13 education within the communities that are targeted  
14 for violence. We need pilot community education  
15 programs, meaning for example, all of San Francisco  
16 needs to be educated to the issue of hate violence,  
17 prejudice and bigotry.

18 We need to find new and creative ways to  
19 reduce the level of bigotry and to promote -- on a  
20 countywide, citywide, areawide basis -- we need to  
21 promote appreciation for diversity. Only through  
22 doing that can we actually reduce the amount of  
23 violence. We need to do better training of our law  
24 enforcement agencies statewide. Law enforcement  
25 needs to become more sensitive to the different

1 community groups that they serve, and they need to  
2 make sure that individual agencies have policies set  
3 up to track hate violence which hopefully the new  
4 laws will encourage. And also we need training  
5 literally of every law enforcement person in the  
6 state to be able to recognize a hate incident, and  
7 know what to do about that incident.

8 Finally, we need to develop programs  
9 similar to what Fred Persily has developed in Contra  
10 Costa County and we're trying to get off the ground  
11 in San Francisco, programs which are coordinated,  
12 comprehensive local response groups, grassroots  
13 response, if you will, to hate violence, programs  
14 that bring together the public resources and bring  
15 together community groups in a comprehensive local  
16 response to this issue.

17 I'd like to end by saying that we owe the  
18 Attorney General and this Commission very much.  
19 We're very grateful for the efforts you, the Attorney  
20 General have made towards making hate violence a  
21 major issue in California. Now that this item is on  
22 the agenda, now that people are beginning to be aware  
23 of the issue, we need to commit to long-term,  
24 substantial, creative methods which not only respond  
25 to the individual incidents we hear about, but also

1 to effectively end the bigotry that causes the  
2 violence. Thank you very much.

3 MONSIGNOR BARRY: Thank you. Any  
4 questions?

5 MR. OLMSTEAD-ROSE: I have a packet here,  
6 should I give it to someone?

7 MONSIGNOR BARRY: Yes. Thank you very  
8 much, Lester.

9 Next, we have Hal Snow from the San  
10 Francisco Commission on Peace Officer Standards and  
11 Training.

12 HAL SNOW: Good afternoon, my name is Hal  
13 Snow, and I'm with the Commission on Peace Officer  
14 Standards and Training. It's a statewide agency  
15 charged with the responsibility of setting training  
16 and selection standards for California's peace  
17 officers and particularly we have responded to many  
18 of this Commission's recommendations for peace  
19 officer training.

20 I'm here to comment that effective July 1,  
21 1988, POST adopted the attached basic course  
22 curriculum additions related to hate crimes  
23 including: 1. recognizing hate crimes; 2.  
24 consequences of hate crimes, and; 3. laws regarding  
25 hate crimes.

1           Additionally, there were some technical  
2 changes to other existing curriculum involved with  
3 community relations and interpersonal communications  
4 involved on the part of the officers. These  
5 performance objectives were developed with the input  
6 of subject matter experts and basic academy  
7 instructors from our academies and are now being  
8 taught and tested in all 34 POST-certified basic  
9 academies around the state. With a performance  
10 objective based training program, which holds  
11 instructors and students accountable, it is difficult  
12 to say with accuracy how long this training requires.  
13 But we would estimate that most academies are  
14 devoting one to two hours.

15           It is safe to say that all of your  
16 recommendations concerning basic academy training  
17 either were or are now being addressed in our  
18 mandated curriculum of basic training.

19           In addition to basic academy training, we  
20 are aware that some advanced officer and modular  
21 courses for in-service officers have included this  
22 training where locally determined training needs  
23 suggest. POST also is in the process of including  
24 this training in the curriculum standards for the  
25 POST Requalification Course which is required for re-

1       entering officers after a three year or longer break  
2       in service.

3                 Some attention to hate crimes is also  
4       being included in the newly developed Basic Criminal  
5       Investigation Course as part of the POST Institute of  
6       Criminal Investigation which is directed at the  
7       training needs of investigators.

8                 Although POST does not establish content  
9       standards for agency field training programs, we are  
10      aware that some law enforcement agencies have  
11      incorporated hate crimes instruction in their field  
12      training programs of new officers which typically  
13      parallels the curriculum POST basic academy training.

14                 Besides the area of hate crimes, POST has  
15      adopted training standards on the elderly and is  
16      about to consider enhanced training in the related  
17      area of handling the developmentally disabled and  
18      mentally ill.

19                 POST is not in a position to  
20      determine what effect this training has had on the  
21      performance of individual officers and law  
22      enforcement agencies collectively.

23                 Consistent with its training role, the  
24      POST Commission remains willing to work cooperatively  
25      with local law enforcement agencies to meet their

1 training needs in this area.

2 I would be pleased to answer specific  
3 questions about this or other activities on the  
4 subject.

5 MR. KASSOY: Comment was made this morning  
6 that every time people perceive a problem in society  
7 they come to POST and they say you have to add  
8 something to your training program. Do you feel that  
9 we overburden POST with the guidelines that we  
10 propose, or do you feel that -- do you feel that  
11 those guidelines would be implemented as a priority  
12 matter?

13 MR. SNOW: We have implemented the  
14 training standards in our basic academy training and  
15 we have received no expressions of concern from our  
16 academy representatives. There are 34 of them and we  
17 meet with them on a regular basis. We have no reason  
18 to believe that this is something that will not be  
19 attended to and we do, for example, develop test  
20 questions on every one of our performance objectives  
21 to ensure that students are proficient on each and  
22 every one of them.

23 We are, however, concerned about  
24 continuing legislation mandates that come out from  
25 the legislature every year for peace officer

1 training, and we're concerned that perhaps -- that  
2 maybe, maybe reaching a point where we are expecting  
3 too much to be presented in the basic academy.

4                 Hopefully, we will be paying more  
5 attention to the training mandates for in-service  
6 officers than perhaps to a lesser extent on new  
7 entering officers.

8                 HON. LYTLE: You've referenced the  
9 different legislative mandates identifying different  
10 areas of training that POST has been asked to engage  
11 in the development and dissemination of training  
12 standards. In law enforcement does your agency  
13 establish any priorities that are utilized either by  
14 your agency or can be utilized by law enforcement  
15 agencies receiving the standards?

16                 MR. SNOW: Well, if we adopt as a minimum  
17 training requirement, they are essentially treated  
18 equally in our training. There is no hierarchy of  
19 priority training of officers in the basic academy  
20 training. On the other hand, you are talking about  
21 something outside of the training agreement that is  
22 how agencies prioritize the handling of these kinds  
23 of incidents. That is not our responsibility.

24                 HON. LYTLE: Let me try and clarify this  
25 then. There are -- there is a limited amount of time

1 and resource available to the local entities for  
2 training. You have to divide this training up in  
3 some areas, such as officer safety, whatever. Do you  
4 provide any guidance to law enforcement agencies with  
5 respect to how to allocate resources in particular  
6 areas of training?

7 MR. SNOW: We set minimum standards not  
8 only for the entry-level entering officer, but the  
9 in-service officer, for example, has to go through 24  
10 hours of training every two years. Supervisory  
11 officers have to go through training as well, same  
12 kind of training. Managers have to go through  
13 training beyond as to how they satisfy the continuing  
14 professional training requirement every two years.  
15 It's left up to individual agency discretion as to  
16 what that training is, what priorities there are.  
17 Because there are differences from community to  
18 community as to priorities and those priorities  
19 change from time to time. Over a period of time,  
20 training needs change and we have chosen to leave  
21 that discretion in the hands of the individual  
22 agencies.

23 HON. LYTLE: Given the logistics of that  
24 local discretion, what kind of response can a local  
25 agency expect from those when it is experiencing a

1 precipitous increase in hate violence. Are they  
2 encouraged to come to you for technical assistance?

3 MR. SNOW: We can, in addition to  
4 permitting that training and to be included in the  
5 advanced officers' courses, which are given to in-  
6 service officers and supervisors. We can, and do  
7 respond to requests for larger courses, longer  
8 courses, more in-depth courses, or courses for  
9 specialties in law enforcement. For example,  
10 investigators and so forth. We have a great array of  
11 courses -- over 1,400 courses in California that we  
12 certify for officers and other personnel, so we are  
13 in the position to provide training that is needed.  
14 We are very responsive to training needs of law  
15 enforcement.

16 And beyond that we also have management  
17 counseling service that will provide local law  
18 enforcement in the event that they wish to work out a  
19 local problem, or an organizational problem. We have  
20 consultants that will come in and assist them in  
21 designing programs and looking at their different  
22 structures.

23 DR. HAWKINS-RUSSELL: Is there any kind of  
24 state monitoring from your organization relative to  
25 local police departments? For instance, there is one

1           particular police department in a city -- and this is  
2           a hypothetical case, not quite hypothetical, but I'm  
3           going to make it hypothetical -- where there has been  
4           an awful lot of allegations on the part of minorities  
5           that they have been harassed, or that there is  
6           discrimination on the part of the officers. Is there  
7           anybody you know that contacts these people and  
8           offers assistance or asks if they need assistance?

9           MR. SNOW: We do monitor law enforcement  
10          agencies, but only for the purpose of seeing to it  
11          that they meet POST as well as legislative training  
12          mandates and selection standards. We are not charged  
13          with the legal responsibility to investigate  
14          misconduct on the part of officers or agencies.

15           DR. HAWKINS-RUSSELL: So that's left  
16          entirely up to the hands of the communities.

17           MR. SNOW: Communities and I assume that  
18          might include grand juries and perhaps the Attorney  
19          General.

20           MR. LINDSTROM: Mr. Snow, what are the  
21          publications that you use to do your in-service  
22          training, about the multi-cultural aspects of the  
23          training?

24           MR. SNOW: We have to support our basic  
25          course, our basic police academy training course,

1 which is over 560 hours. We have unit guide material  
2 which is detailed material to guide the instructor as  
3 to what to teach and how to teach individual  
4 performance objectives and for each and every one of  
5 our objectives we have unit guide materials that can  
6 be used in the in-service instruction, and often  
7 times is used to guide instructors who teach in-  
8 service officers.

9                   MR. LINDSTROM: I'm just wondering who  
10 prepares the material. These outside consultants  
11 come in and actually prepare the materials, or the  
12 information that goes into those materials?

13                   MR. SNOW: Generally, the way it is  
14 developed is that we bring the subject matter experts  
15 in as instructors who teach in the particular subject  
16 that we're dealing with. And for example, this area  
17 of development design of these unit guides, we had to  
18 bring in others outside of the academy arena to  
19 provide guidance as to what should be taught and how  
20 it's taught. It's a combination of existing  
21 instructors as well as outside subject matter  
22 experts, to the best of my knowledge.

23                   MR. LINDSTROM: Do you have any input from  
24 the communities, ethnic groups for example?

25                   MR. SNOW: Our curriculum typically, and

1 by necessity has to be universal and acceptable, or  
2 universal in a generic respect that it must meet the  
3 minimum training standards for officers, regardless,  
4 up and down the state jurisdiction standards. We do  
5 not get into details of what specific problems or  
6 services might be in existence with an individual  
7 community, but rather what is generally available  
8 throughout the state. And these are the -- that's  
9 the way we generally deal with the curriculum and  
10 referral services and so forth.

11 HON. LYTLE: I'm still not clear on these  
12 standards. Your aim is to obviously impose standards  
13 of some kind or other on local law enforcement  
14 agencies in the area of training, and you try to make  
15 them generic. You don't refine them for San  
16 Francisco, so they're not usable by Humbolt County.  
17 Now within that rubric, however, what resources or  
18 what information do you turn to to identify what  
19 these generic standards should be? Are you talking  
20 about weapons training, the area of search and  
21 seizure -- can you identify the areas we're talking  
22 about when you say "minimum standards of training"?

23 MR. SNOW: Well, we look at what is  
24 universally needed by officers. We also, of course,  
25 look at often times responding to legislative

1 training mandates. We look at what the legislature  
2 has specified and sometimes they do, but we  
3 deliberately and on purpose, do not try to address  
4 the individual trainees to individual departments, or  
5 county or even regional regions within California.  
6 That is the responsibility of individual agencies to  
7 address those.

8 And as I said, we simply use the best  
9 judgement that we can in terms of instructors and  
10 other subject matter experts. Just recently in the  
11 last few weeks we put together a curriculum that was  
12 mandated by the legislature on handling the  
13 developmentally disabled, and we brought in community  
14 groups as well as statewide organizations, as well as  
15 our own academy instructors from around that state to  
16 collectively separate out what is generic and what is  
17 not.

18 HON. LYTLE: Just one more question. What  
19 I'm trying to get out is this. I don't know if you  
20 read the Governor's report, but it began a very -- in  
21 the State of California, about the treatment of  
22 minorities in the State of California, but it has  
23 been such that violence against minorities was a  
24 problem before we were a state, and intergroup  
25 tensions, perhaps just short of violence, have been a

1 problem within the state long before California was a  
2 state. So would you not consider that training in  
3 that area could be called generic?

4 MR. SNOW: Most definitely.

5 MR. KASSOY: I'd like to go back to a  
6 question you were asked a little earlier about the  
7 source of the materials that you make available to  
8 the various jurisdictions, for sensitizing law  
9 enforcement to the multi-cultural aspects of society  
10 in California.

11 The guidelines that the POST has adopted,  
12 that were recommended by this Commission 42 years  
13 ago, and for that we were very grateful. But these  
14 were motivated from the judgment that we made after  
15 taking testimony for a couple of years around the  
16 state that there is a perception out there in many of  
17 the minority communities that police officers were  
18 not adequately sensitized to cultural differences,  
19 and the effect the cultural differences have on the  
20 behavior of law enforcement.

21 That's why we are rather concerned to  
22 know, because I am not aware that the various  
23 minority organizations have had any input into the  
24 materials that you are making available to local law  
25 enforcement agencies for their training. We are very

1 concerned to know where you are getting those  
2 materials from and are you getting all of the  
3 assistance that you should have from the communities  
4 that are directly affected by that training, because  
5 I am not sure we have seen that.

6 MR. SNOW: I have that to supply to you.  
7 That's why I have that to supply.

8 MONSIGNOR BARRY: Thank you very much.  
9 You do have materials there for us. Very good.

10 Next, I think we have from the San  
11 Francisco Police Department, Captain Jim Arnold.

12 CAPT. JIM ARNOLD: Hello, I'm Captain Jim  
13 Arnold from the San Francisco Police Department and  
14 before I start I'd like to thank you for the  
15 opportunity to speak before you.

16 Our San Francisco Police Department has  
17 taken the approach that the unique nature of these  
18 crimes require special handling. There's an  
19 obligation not only to recognize these crimes as  
20 criminal acts, but to investigate them while reacting  
21 in a positive manner to the emotional trauma  
22 experienced by the victims, families and citizens of  
23 communities who have witnessed or suffered such  
24 incidents.

25 It is the policy of the San Francisco

1 Police Department, one, to insure that the rights  
2 guaranteed by the Constitution and laws of the State  
3 of California and the United States are protected for  
4 all citizens regardless of any personal  
5 characteristics including, but not limited to, race,  
6 color, religion, ancestry, national origin, political  
7 affiliation, sex, sexual orientation, or disability.  
8 And you take a pro-active role in protecting all  
9 citizens against prejudice-based conduct by promoting  
10 peace and harmony among the diverse groups living and  
11 working within the City and County of San Francisco.  
12 And to stress that prejudice-based criminal incidents  
13 are supported with vigorous prosecution of those who  
14 are apprehended in such incidents.

15 Since the spring of 1988 the San Francisco  
16 Police Department has been collecting data regarding  
17 prejudice-based acts of violence. During that time  
18 our Chief, Chief Frank Jordan, has issued a training  
19 bulletin which defines prejudice-based acts of  
20 violence, establishes or lists criteria for reporting  
21 these incidents. It also lists appropriate penal and  
22 civil code violations and provides referrals to  
23 various organizations for support or additional  
24 information.

25 This is our training bulletin in that

1 regard, and I will leave these copies with you.

2                 I was also issued a department General  
3 Order, which sets policies and procedures for  
4 recognizing and responding to incidents motivated by  
5 hatred or prejudice. It specifically states the  
6 responsibilities of the patrol officers responding to  
7 the scene of a prejudice-based crime. It states the  
8 responsibilities of the supervisors, the  
9 investigation bureau, the intelligence division, and  
10 the statistical analysis unit. We have also provided  
11 prejudiced-based incident reports with boxes with  
12 training for the officers instructing them to  
13 indicate in that area why they think it is a  
14 prejudice-based incident.

15                 We have also produced training film at the  
16 academy, a seven minute film reinforcing the training  
17 that these officers receive at the academy and we  
18 show it periodically to all the stations and all the  
19 bureaus within the department. It is used as a  
20 training tool, and it's very effective. We also have  
21 a training program in place at the academy that we  
22 give in-service training and, as Hal Snow spoke  
23 about, we give in-service training every two years to  
24 all supervisors and officers, putting issues of  
25 discrimination harassment in historical perspective.

1 Many of the young officers that are going through the  
2 academy now have not been exposed to the systematic  
3 and blatant examples of racism that have occurred in  
4 the past and they really have a lack of knowledge of  
5 history of the basis of these issues and the need for  
6 the Ralph and Bane Act.

7 Since the spring of '88 we collected these  
8 statistics and to date since January of this year, we  
9 have, our statistics indicate that we have 116  
10 prejudice-based acts of violence, and they're broken  
11 down as follows: 7 are on an ethnic basis, 54  
12 against gay and lesbians, 11 anti-semitic, and 38  
13 racial and 1 religious, and 1 sexual. This is  
14 woefully underreported, and as Lester from CUAV spoke  
15 earlier, their statistics indicate that it is three  
16 or four times that amount. And the reason for this  
17 underreporting is lack of public awareness, lack of  
18 media coverage regarding the problem, lack of  
19 training for the police officers. Although we have  
20 all these training devices in place, the police  
21 officers continue not to report or indicate in the  
22 report that these were prejudice-related acts of  
23 violence.

24 There are some groups of persons that are  
25 reluctant to contact the police. I understand why.

1 There's a desire for anonymity, and one of the ways I  
2 think we can correct this is to have a group not  
3 affiliated with the police to collect this data, an  
4 organization like the Human Rights Commission. The  
5 collection of this data on a statewide basis and a  
6 regional basis, on a local level, would help us  
7 tremendously. We can allocate our resources more  
8 effectively with this information.

9 I especially want to give thanks to groups  
10 like CUAV, The Asian Law Caucus, The NAACP, and Marty  
11 Mercado, who have really pushed us, pushed the police  
12 departments into the 20th century in this regard.  
13 Prior to that we had no way of documenting or  
14 collecting this kind of data, and because of the  
15 interest from the community we have been able to come  
16 up with a reporting system that is at least, I think  
17 partially effective.

18 We hope that with continual training, our  
19 Chief realizes the need for more training at the  
20 academy level and more training at the in-service  
21 level. I know with this training and more community  
22 awareness the reporting will increase and we'll get a  
23 firm idea of the kinds of things that are occurring  
24 in the community. I'd be glad to answer any  
25 questions.

1 HON. LYTLE: The San Francisco Police  
2 Department was the subject of a lawsuit some time  
3 ago. A rather long-standing hearing resulted from  
4 that lawsuit and of course it was with respect to the  
5 hiring of minorities into the police force.  
6 Typically, my years in civil rights taught me that  
7 even with successful conclusions of a lawsuit,  
8 feelings have been generated that can best be  
9 described as pretty acrimonious. Now are those  
10 feelings still a problem and do they result in  
11 resistance to these kinds of programs?

12 CAPT. ARNOLD: Well, as Marty can attest  
13 to, our police are very slow to change. Marty and I  
14 attended an academy training program in which we saw  
15 training, and there was a lot of resistance to it.  
16 It does hamper our ability to collect this data, but  
17 it was also very positive. In fact, it showed us the  
18 need for more training and identified those results  
19 that needed to be looked at more closely. I'm not  
20 denying the problem exists. Police officers,  
21 especially older officers -- 25-year veterans -- are  
22 very slow to change, but hopefully with this training  
23 and video attention and the progressive attitudes  
24 shown by our Chief, Frank Jordan, these officers are  
25 going to come around and also these officers know we

1 are not going to tolerate this kind of activity and  
2 we are not slow at all in bringing charges against  
3 these officers.

4 MS. MERCADO: I'd like to comment that  
5 Marion Johnson and I both attended training by the  
6 San Francisco Police Department and we have commended  
7 the department for taking the effort and the time to  
8 adopt this kind of training program. The word has to  
9 come from the top, nevertheless, we've got our eyes  
10 open much more than we had anticipated as we sat  
11 through the training session, and I think I commented  
12 to Jim that we have a long way to go, a hard road to  
13 hoe, but you have to start someplace and I think we  
14 have been in a process that we have embarked on this  
15 kind of training. But changing the attitudes of law  
16 enforcement, it's not just law enforcement but a lot  
17 of other institutions. One of the comments we heard  
18 for example was, "You mean we can't have fun  
19 anymore." We pointed out that racial slurs and other  
20 harassment was not acceptable.

21 CAPT. ARNOLD: As a matter of fact,  
22 another comment I think you may remember, Marty, was,  
23 "Gee, what are you going to do this for? You're  
24 going to bring these problems out in the open and  
25 paint San Francisco as having a very severe problem."

1 Well, problems do exist and the only way we can help  
2 recognize them and deal with them is this.

3 MS. YU: You indicated that you have a box  
4 regarding prejudice-based crimes. Have your officers  
5 found any difficulty in ascertaining whether or not  
6 prejudice and bigotry played a role? When we first  
7 were struggling with this some years ago, there was  
8 some concern about how the officer was going to be  
9 able to tell.

10 CAPT. ARNOLD: Well, we instruct the  
11 officers to look at the motivation behind it. Some  
12 of these incidents are very obvious, such as painting  
13 a swastika on a synagogue, and some are less obvious.  
14 We ask them if there are instances that have occurred  
15 in the past in the same neighborhood, does it affect  
16 a large part of the community, does a large part of  
17 the community feel it is prejudice-based. And  
18 hopefully the training and the film we use as a  
19 guideline to report these things, and it is -- we do  
20 have a checklist system where if the officers  
21 indicate it is prejudice-based, and it is not  
22 supported as such on there, on the incident report,  
23 that is commented on in subsequent reviews by the  
24 sergeant, by the lieutenant and by the officer in the  
25 intelligence unit who gathers these statistics.

1 MS. YU: And the other question is that  
2 you indicated some statistics -- do you have some  
3 sense as to whether the trend is going up or down,  
4 whether the awareness and sensitivity on the part of  
5 the force is leading to more?

6 CAPT. ARNOLD: Well, the statistics  
7 indicate that it is obviously increasing, and I think  
8 that's due to more awareness on the officers' part to  
9 do the things that are required to do, like check the  
10 box on the report and indicate, and also through  
11 community awareness programs. The community is more  
12 aware and more apt to bring these incidents to the  
13 attention of the officer.

14 MR. LINDSTROM: Is there any person in the  
15 police force who is designated to network with, or  
16 work with some of the other law enforcement agencies  
17 to see how their program is going -- how the training  
18 programs are going, and use some of their materials?

19 CAPT. ARNOLD: We have three people,  
20 actually, involved in this whole process. We have  
21 the captain in the community systems division, and we  
22 have Lieutenant Pete Autin (phonetic) who tracks  
23 statistics and he's assigned to the intelligence  
24 unit, and the lieutenant who's in charge of our  
25 academy and they coordinate the efforts with their

1 agencies and with POST, and I'm sure they're free to  
2 contact Hal Snow, but one of the problems we've had  
3 is a lot of other agencies don't have this reporting  
4 system, so we really don't know what the size of the  
5 problem in the other jurisdictions is.

6 HON. LYTLE: It seems to me the police  
7 officers suffer from a phenomenon that is probably  
8 suffered by a lot of professionals who deal with a  
9 relatively small percentage of the population. They  
10 deal with people who are either criminal offenders or  
11 are suspected, and I'm sure there are few people that  
12 would argue with the conclusion that if they are not  
13 very careful they could get a very cynical, indeed  
14 distorted view of life. It's a general problem with  
15 police officers and it's particularized in the area  
16 of race and ethnicity because they see a  
17 disproportionate number of blacks in the perspective.  
18 I certainly see them in the Municipal Court, and if  
19 you're not very careful you can develop some very  
20 strange notions about the tendencies toward  
21 criminality of a particular group.

22 Now generally, I find that very little is  
23 done to deal with this phenomenon in the area of race  
24 and ethnicity. It can become seriously dangerous  
25 resulting in real problems and I'm sure that the

1 mistrust and anger that many minority people feel  
2 towards the police is a direct result of this. In  
3 this area of sensitizing police officers through  
4 training, what kind of programs do you have to  
5 address this phenomenon? How do you get the police  
6 officer out of the police officer mode?

7 CAPT. ARNOLD: Well, you're right that it  
8 is a problem. We have employee assistance programs,  
9 we have stress units in our department. Many times  
10 it's difficult to change people's attitudes on how  
11 they feel about other people, and if they don't  
12 respond to training counseling, we're very quick to  
13 take action. We have a very strong sexual harassment  
14 quarter and our Chief won't tolerate that kind of  
15 activity. Numerous officers have been brought up on  
16 charges and we're very quick to discipline them.  
17 What we're thinking about now is transferring  
18 officers from certain parts of the City that are very  
19 stressful, that deal with a lot of minorities year  
20 after year after year, high crime, drug areas, so we  
21 feel that when we identify them, when they exhibit  
22 signs of stress, we move them to other parts of the  
23 City and request they undergo counseling.

24 MR. KASSOV: The Governor just signed SB-  
25 202, which is legislation that purports to impose on

1 law enforcement, both statewide and locally, and the  
2 obligation to collect statistics to hate crimes and  
3 report that back to the Attorney General's office.  
4 Unfortunately, there were no funds that went along  
5 with that legislation and therefore, there are no  
6 funds available to subsidize local law enforcement to  
7 perform those tasks. However, inasmuch as the City  
8 of San Francisco's police department is already  
9 collecting this data, would you anticipate that you  
10 will be able to report this information to the  
11 Attorney General's office, the State Department of  
12 Justice as in the statute?

13 CAPT. ARNOLD: We do now, and have been  
14 doing it.

15 MONSIGNOR BARRY: Thank you very much. We  
16 will take a short break.

17 (A short break was taken.)

18 MONSIGNOR BARRY: Now we have Thordie  
19 Ashley from the NAACP.

20 THORDIE ASHLEY: I'm Thordie Ashley, and  
21 I'm from the NAACP. I have given this document  
22 already and I will not attempt to read this entire  
23 document as it is too lengthy, but just the sequence  
24 and our feelings on this.

25 I'm very please that the NAACP was invited

1 to participate today. We have documented with the  
2 task force for the past three years, over 19  
3 incidents in a very serious manner in Northern  
4 California. We began to monitor and track the neo-  
5 Nazi and the Klan groups at that time, and we now  
6 welcome to the region, one West Coast region in the  
7 NAACP which takes nine states and we will be working  
8 directly under the direction of Deborah Quinn  
9 Carpenter (phonetic.)

10 The NAACP feels that the cause of white  
11 supremacy ideology in the attempt to overthrow the  
12 U.S. government, the ruling class ideology of white  
13 supremacy, the racism that overburdens our society  
14 determines the racist cause, that the economic and  
15 social turmoil that exists today ripens the climate  
16 of the white supremacy ruling class. The effect that  
17 the cause has, the hate groups and the Christian  
18 identity churches, the neo-Nazi skinheads and street-  
19 type gangs defame Jewish buildings, burn crosses,  
20 admit gay bashing and attack a few blacks are merely  
21 diversionary tactics. These acts do not reveal the  
22 true causes and objectives of a white supremacy  
23 ideology on the government.

24 The criminals who commit these acts can  
25 and are easily caught. They are simply a smokescreen

1 for the three-piece wearing, wealthy Klan rulers.  
2 The sympathizers and financial supporters for the  
3 Klan groups are the people that furnish the Klan  
4 lawyers and provide other support such as television  
5 spots, media coverage, travel expenses, money-  
laundering operations and provide material to them.

6  
7 These groups condone, in San Francisco  
8 County and other counties, attacks on gays. They  
9 paint graffiti and they pass out huge volumes of hate  
10 literature. This, of course, is the task force  
11 theory, that these hate groups have a broader  
12 support, a broader base of support for the white  
13 supremacy ideology. Now the State of California and  
14 our relations are they must have more visible on the  
15 input on the status and activity of the California  
16 Klan and neo-Nazi hate groups.

17 The state should provide more education,  
18 give more information and more instruction. The  
19 State Attorney General and the law enforcement  
20 agencies must increase the input in the area of  
21 training and indoctrination of hate -- concerning  
22 hate crimes and groups and their tactics. Now,  
23 recently we had six prostitutes murdered in Oakland.  
24 We are thinking that the last murder possibly has  
25 some Klan or neo-Nazi tactics because of the hanging

1 of the young woman that was found in the park. These  
2 people are prostitutes and they do break the law, but  
3 when you have these kinds of things like in San  
4 Leandro and especially the borderline, we call it the  
5 Mason and Dixon line, I think we should be looking  
6 into these murders. I thank you for your time.

7 MONSIGNOR BARRY: Any questions?

8 HON. LYTLE: I had a question and it dealt  
9 with the Southern Poverty Law Center, which is as you  
10 know a nonprofit entity which assists victims of this  
11 kind of violence. They seem to -- in reading their  
12 newsletter -- share your concern that the phenomenon  
13 we're investigating here today is perhaps only being  
14 investigated superficially. That with regard to at  
15 least some of these incidents, the Order is the one I  
16 guess that comes to mind. First we are talking about  
17 people who are interested in dismantling our system  
18 of government, so it only responds to the needs of a  
19 few. Does the NAACP utilize the information and  
20 record-keeping resources of the Southern Poverty Law  
21 Center?

22 MS. ASHLEY: Yes we do. The Southern Law  
23 Center, the Klan Watch, the Center for Democratics,  
24 the Jewish Anti-Defamation League, any resources or  
25 source of information. As a matter of fact, I

1 personally belong to some and have the task force to  
2 join one of these organizations so that we can  
3 network with them and know the true cause of what is  
4 taking place in our government.

5 MR. LINDSTROM: I have a question. Do you  
6 know of anyone in the NAACP who has been contacted by  
7 POST or any of the other law enforcement agencies to  
8 give input as to how to deal with sensitivities that  
9 we want to refrain from -- the law enforcement  
10 officers to refrain from?

11 MS. ASHLEY: The San Francisco NAACP  
12 chapter has a lot of input into what takes place and  
13 a lot of pressure also to what takes place in their  
14 law enforcement agency. We have not had to deal  
15 directly with anyone in the FBI on the task force,  
16 but different agencies will contact us and we do  
17 apply a tremendous amount of pressure to law  
18 enforcement agencies.

19 MR. LINDSTROM: My question is, has anyone  
20 ever used some of your materials or resources that  
21 you have input, that you have, in developing the  
22 curriculum that is used for the training?

23 MS. ASHLEY: No, they have not except  
24 perhaps seven years ago. The national NAACP had some  
25 input on a national level as to hate violence and

1 some training, but they have not utilized that for a  
2 number of years. We have not been asked on the West  
3 Coast for our input on that.

4 DR. HAWKINS-RUSSELL: Mrs. Ashley, do you  
5 represent the regional office or the local NAACP?

6 MS. ASHLEY: Fortunately -- the regional  
7 officers, we started with the local and it did not  
8 work. And then we started at the state level and it  
9 did not work, and fortunately now we are recognized  
10 by our regional office in San Francisco.

11 MS. YU: Do you have any opinion as to the  
12 quality and effect of news coverage of some of the  
13 incidents you pointed out in your presentation?

14 MS. ASHLEY: I have found that the news  
15 coverage, some people say it sensationalizes it, but  
16 I have found that the news coverage has really  
17 endeavored to inform the public and also makes the  
18 law enforcement people aware of a lot of neo-Nazi  
19 incidents or crimes that go on.

20 MS. YU: Do you think there's possible,  
21 that it's possible that nobody has talked too much  
22 about the press in terms of their role in increasing  
23 awareness. Do you think there's some possibility  
24 that schools, public agencies, law enforcement and  
25 the press could work out some kind of coalition?

1 MS. ASHLEY: I think the press does work  
2 out a local coalition. The NAACP has never been  
3 failed -- it's never failed me. I think there should  
4 be coverage because a lot of the crimes are not  
5 reported, especially from some Asian communities.  
6 They seem to keep quiet about any crimes. But the  
7 schools I believe are very lax and very slow. The  
8 hate material is there in the schools. It's there  
9 but they are very slow to respond against the  
10 counterbalance. The literature that's going on in  
11 our schools, our University of California, the media  
12 there has allowed the First Amendment and Thomas  
13 Metzger to film his Race and Reason at the University  
14 of Fullerton, and also the University of California  
15 at 15th and Folsom, media training. They used the  
16 First Amendment and I'm quite aware of that, but to  
17 have it in our universities to film the hate films of  
18 Race and Reason is atrocious to me.

19 MONSIGNOR BARRY: Thank you very much.

20 Now we have Phang Lo from the Lao Family  
21 Community of Stockton.

22 PHANG LO: My name is Phang Lo and I'm  
23 from the Lao Family Community of Stockton.

24 Basically, I am here today to share some  
25 of the concerns from the Lao Family Community, the

1 subject of refugees in the past eight years. The Lao  
2 Family Community provided social services for the  
3 refugee community in the Stockton area, such as  
4 English programs, youth programs and from the  
5 services program. We also have been working with the  
6 refugees in terms of providing social adjustment to  
7 the refugee community in Stockton. Refugees have had  
8 lots of difficulty and problems of adjusting to their  
9 new life in this country. We were involved with the  
10 school shooting on January 17, 1989. There has also  
11 been a follow-up shooting after, at the Old Park  
12 Village. The refugee community has had a real  
13 concern, some of the refugees' problems that I have  
14 listed is they have a cultural shock problem,  
15 neighborhood problem. They cannot get used to the  
16 city life because they have been uprooted from their  
17 roots.

18 They also have language problems, not an  
19 uncommon problem. Some people taking advantage of  
20 them, looking down at them, and prejudiced. They  
21 cannot defend themselves because of the language  
22 problem, and they're new to this country. So that's  
23 a lot of problems. Also, the other thing, they don't  
24 know the safety procedure. They don't know what to  
25 call for help. And that's, you know, they don't make

1 the right decision when they move place to place  
2 trying to find a safe place. But there are no safe  
3 places for them. That is one of the problems. They  
4 also feel that the law enforcement has not really  
5 made an effort to protect them, to help them.

6 Same thing with the school district.  
7 After the shooting, you know, there has not been any  
8 effort to try to help the refugees. The school has  
9 not really hired a full-time staff person or working  
10 with the refugee community in Stockton. Therefore, I  
11 think I'm here today just to share briefly some  
12 refugee problems with you and as the Commissioner --  
13 there are some things that the state level can do to  
14 help this refugee community. I'm not the closest to  
15 the refugee community to really bring leadership and  
16 to really encourage them to help this society.

17 MONSIGNOR BARRY: Any questions or  
18 suggestions?

19 PHANG LO: I think that's what I have.

20 MS. YU: I just have one question. Do you  
21 find, in light of the aftermath of the shooting, that  
22 the community has come together and is determined to  
23 do things to prevent this from happening in the  
24 future? Have you found that this tragedy has brought  
25 people closer together who might have thought they

1 could get by without each other? Do you think it has  
2 encouraged that kind of group unit?

3 PHANG LO: Well, the refugee -- it's hard  
4 to say, because they are just moving. We think there  
5 is nothing they can do to prevent, so I think they  
6 hope that from moving, the other side of the  
7 government will do something to help them, to protect  
8 them. You know, it's really hard for them to do, and  
9 especially because they don't have so much problem  
10 with integration, and problem, and problem, and  
11 problem, you know. So it's really lack of  
12 leadership, not knowing what to do, what to do next.

13 MS. MERCADO: Let me just add that one of  
14 the things this Commission recommended was the  
15 development of civil rights, noticeable rights,  
16 brochures and we made them available to all of the  
17 settlement agencies in trying to assist the Attorney  
18 General. I know this -- his conference releasing the  
19 details of the investigation into the Purdy killings,  
20 had talked about some of the recommendations or what  
21 we could do about these things in the future. It  
22 certainly referred back to the recommendations of  
23 this Commission as well as to the Asian-Pacific  
24 Islander Committee, and has indicated that there is a  
25 need for community and public education awareness,

1 and we have certainly heard that this morning, and  
2 interaction between the community at large to make  
3 the newcomers feel a part of the community. It has  
4 to go both ways.

5 MR. LINDSTROM: Mr. Lo, do you know if  
6 your community has access to some of these service  
7 providers, you know, in terms of some of the  
8 communities -- I've heard some of the refugee  
9 communities, some of the providers there the  
10 community does not know how to access -- are you  
11 experiencing that kind of problem in Stockton?

12 MR. LO: Well, I think this is problem of  
13 the refugee community, yes. I think many do not know  
14 that service providers, and I think service providers  
15 -- we also have bilingual newsletters in a different  
16 language published monthly by one of the agencies  
17 there, but I think it is some refugees are not  
18 knowing the service provided and I think most of the  
19 problems themselves for the refugees, need to do  
20 something with it to really, you know, encourage them  
21 to really work with them in terms of leadership among  
22 themselves.

23 MR. LINDSTROM: Are there some visible  
24 community leaders that can approach some of these  
25 problems, and act as a liaison to go into the

1                   community?

2                   MR. LO: Yes.

3                   HON. LYTLE: Mr. Lo, could you describe  
4                   for us any problems being experienced by the refugee  
5                   population in the schools, that is by their children?  
6                   We read about the murder of the children, but I am  
7                   sure that there must be on a daily basis, bigger  
8                   problems experienced, while less sensational, are  
9                   equally painful in the long run in the refugee  
10                  population. Do you have any information in that  
11                  regard?

12                  MR. LO: Yes. Like I mentioned the  
13                  refugee problem, it's a broad problem from language,  
14                  culture to prejudice and the most problem and most  
15                  important difficulty for them, because they could not  
16                  defend themselves with the natural background that  
17                  they have had, and they're new here. They don't know  
18                  what to do, or how to do it. They tend to stay quiet  
19                  and they stay home. They go to school and these  
20                  could be turned into disasters in one minute. People  
21                  can go there and shoot at them with nothing to  
22                  protect themselves with. They don't know how to  
23                  guide their children and they just live in an outside  
24                  world. And that has also created some problems.  
25                  Young kids are more and more becoming gang members,

1       causing problems within the community, you know, and  
2       became a bad model for the younger ones.

3                     HON. LYTLE: So you appear to be saying  
4       among the other things, the family structure is  
5       breaking down?

6                     MR. LO: Yes.

7                     HON. LYTLE: And perhaps the older, the  
8       parents are having difficulty disciplining the  
9       younger children?

10                  MR. LO: Yes.

11                  MR. LINDSTROM: Mr. Lo, has anyone  
12       contacted you from any of the law enforcement  
13       agencies as to giving any input?

14                  MR. LO: Yes, the Lao Family Community has  
15       been working with the law enforcement agencies,  
16       meeting with them and meeting with the community  
17       social agencies from the Justice Department, and  
18       there's one person from, you know, the community  
19       service offices, and public meeting, law enforcement  
20       and different agencies from other towns, six months  
21       or a year ago. This is also Lao Family Community,  
22       some other thing is it's we are always involved with  
23       the D.A.'s office that is trying to put together a  
24       gang task force committee.

25                  MONSIGNOR BARRY: We do have a Sergeant